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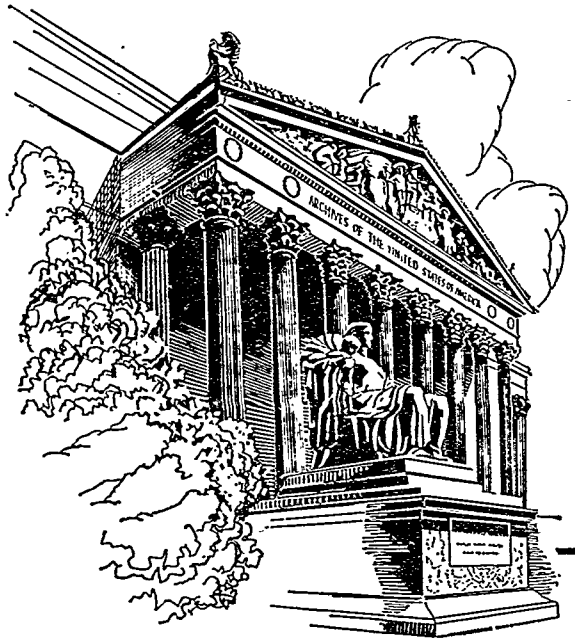
Pages 1–30

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

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Contents

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton

DESIGNATED COUNTIES IN ARIZONA

This amendment is issued under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) for the purpose of adding three counties in Arizona to the list of counties designated under section 347(a) of the Act as being suitable for the production of ELS cotton.

Since farmers are now filing applications for transfers of allotments to take effect in 1969, it is necessary that the farmers and local committees be informed as soon as possible of the additional counties to which transfers may be made. Accordingly, it is hereby found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

The subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton, of Part 722, Subchapter B of Chapter VII, Title 7 (31 F.R. 6247, 13530, 32 F.R. 5416, 33 F.R. 8427, 16066, 16434) is amended by adding to the table of counties in paragraph (b) of § 722.509 the following:

Greenlee, Ariz.
Mohave, Ariz.
Yavapai, Ariz.

(Sec. 347, 63 Stat. 675, as amended; 7 U.S.C. 1347)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 26, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-15597; Filed, Dec. 31, 1968; 8:48 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 13]

PART 775—FEED GRAINS

Subpart—1966-69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

§ 775.401 [Amended]

1. Section 775.401(d) is deleted.

2. Section 775.402 is amended by changing paragraphs (b)(2), (c)(2)(ix), (d)(2)(vi), and (g) to read as follows:

§ 775.402 Definitions.

* * * * *

(b) * * *

(2) For current year—Any acreage of barley harvested as grain and any other acreage seeded to barley, excluding:

(i) Barley prevented from reaching maturity by being clipped and left on the land, destroyed by mechanical means or natural causes, or used for other than grain not later than the farm disposal date;

(ii) Barley approved as a conservation use in Part 792 of this chapter, as amended;

(iii) Barley within the permitted acreage destroyed by mechanical means after farm disposal date and prior to harvest to the extent that no grain or forage crop remains, provided the operator requests reclassification in writing and the acreage is used to meet a deficiency in designated diverted acreage or conserving acreage;

(iv) Barley within the permitted acreage destroyed by natural causes after farm disposal date and prior to harvest to the extent that no grain or forage crop remains, if the operator requests reclassification in writing;

(v) Barley within the permitted acreage which the county committee determines was planted in an unworkmanlike manner solely for price support payments and not for harvest or was not cared for with the expectation of producing a normal crop under usual conditions; and

(vi) Barley on a privately owned farm produced for experimental purposes only by a publicly owned agricultural experiment station provided (*a*) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator, and (*b*) all proceeds of the crop inure to the benefit of the experiment station.

Notwithstanding any other provision of this subparagraph (2), barley acreage excluded under subdivisions (i) and (ii) of this subparagraph which has not been designated within the total intention as diverted under any land diversion program or used to meet the requirements in § 775.404(b) may be credited as barley acreage if a written request is signed by the farm operator, or if it is determined at time of final compliance that all or any portion of such excluded barley acreage, if credited as barley acreage, would earn additional price support payments or would be advantageous to the producers on the farm under the substitution provision for the farm: *Provided,* That barley within the permitted acreage destroyed by natural causes not later than the farm disposal date and followed by a different crop for harvest in the current year, may not be considered as barley acreage for any purpose unless the operator requests on Form ASCS-574 that the first crop be considered as barley and the county committee determines that it was planted in a workmanlike manner for harvest and that natural causes prevented the replanting or barley during the normal planting period.

* * * * *

(c) * * *

(2) * * *

(ix) Corn within the permitted acreage which the county committee determines was planted in an unworkmanlike manner solely for price support payment and not for harvest or was not cared for with the expectation of producing a normal crop under normal conditions;

* * * * *

(d) * * *

(2) * * *

(vi) Sorghums within the permitted acreage which the county committee determines were planted in an unworkmanlike manner solely for price support payment and not for harvest or was not cared for with the expectation of producing a normal crop under normal conditions;

* * * * *

(g) "Total feed grain base" means the sum of the feed grain bases established for barley, corn, and grain sorghums for the farm, except that (1) the barley base shall be excluded for farms complying with the provisions of § 775.429, and (2) each base shall be excluded that is diverted under CAP or CCP.

§ 775.404 [Amended]

3. Section 775.404(c)(2) is amended by adding the following new sentence at the end thereof: "Notwithstanding the foregoing, for 1969, any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer on the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land."

§ 775.409 [Amended]

4. Section 775.409(c) is deleted.

5. Section 775.409(e)(2)(v) is amended by adding the following at the end thereof: "The provisions of this subdivision shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from the farm or otherwise, will not provide a reasonable standard of living for the operator and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family."

§ 775.415 [Amended]

6. Section 775.415(g) is deleted.

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 26, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-15598; Filed, Dec. 31, 1968; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 353, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553(1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), (ii), and (iii) of § 910.653 (Lemon Reg. 353, 33 F.R. 19076) are hereby amended to read as follows:

§ 910.653 Lemon Regulation 353.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 20,460 cartons;

(ii) District 2: 61,380 cartons;

(iii) District 3: 141,360 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 27, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-15602; Filed, Dec. 31, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 Crop Soybean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Soybean Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

The regulations issued by Commodity Credit Corporation which contain the basic price support rates for the 1968 crop of soybeans, 33 F.R. 12535, are amended to establish a basic county support rate of $2.37 per bushel for Beltrami County, Minn.

Section 1421.2968(a) is amended by inserting, between the counties of Becker and Benton under the heading "Minnesota," the following:

Beltrami	$2.37

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 24, 1968.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-15599; Filed, Dec. 31, 1968; 8:48 a.m.]

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods (1969-70 Supp.)]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program (1969-70 Storage Period Supplement)

The regulations issued by CCC and published in 33 F.R. 5201 and any amendments and supplements thereto, are hereby supplemented for the 1969-70 storage period as follows:

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.3533 Reseal loan programs authorized.

A reseal loan program is authorized for the following crops of specific commodities held in farm storage:

1964, 1965, 1966, 1967, and 1968 crop corn.
1964, 1965, 1966, 1967, and 1968 crop wheat.
1965, 1966, 1967, and 1968 crop barley.
1964, 1965, 1966, 1967, and 1968 crop grain sorghum.
1965, 1966, 1967, and 1968 crop oats.
1966, 1967, and 1968 crop soybeans.

§ 1421.3534 Area of availability.

Area and scope: The reseal loan program for the specified crops of the designated commodities will be available to producers in the areas in which price support was made available with respect to the designated crops of the commodities as the State ASC Committees, after considering the generally prevailing weather, the general condition of the crop, and other factors affecting safe storage throughout the area, determine that the commodity can be safely stored on farms therein for the 1969-70 storage period and that such reseal loans will, therefore, be advantageous to producers and CCC; except that in any area designated by the State ASC Committee as an angoumois moth area, a producer may obtain a reseal loan with respect to

eligible corn only if the State ASC Committee determines that (a) the producer's corn is shelled and (b) the producer has satisfactory storage facilities and equipment to care properly for the corn while under reseal. Producers having commodities under loan will be timely notified of the ASC Committee's determination.

§ 1421.3535 Storage payment rates.

(a) *1969–70 storage period.* Storage payment rates for the 1969–70 storage period will be announced later.

(b) *1968–69 storage period.* Storage rates for adjustments under § 1421.3488 for the 1968–69 storage period are:

Crop	Unit	Rate per month	Rate per year
1967 corn, wheat, barley, and soybeans (bushel)	100	$1.095	$13.14
1967 grain sorghum (hundredweight)	100	1.96	23.52
1967 oats (bushel)	100	.821	9.855
1966, 1965, and 1964 corn and wheat, 1966 and 1965 barley (bushel)	100	1.004	12.045
1966 soybeans (bushel)	100	1.004	12.045
1966 and 1965 oats (bushel)	100	.73	8.76
1966, 1965 and 1964 grain sorghum (hundredweight)	100	1.797	21.56

(c) *1967–68 storage period.* Storage rates for adjustments under § 1421.3488 for the 1967–68 storage period are:

Crop	Unit	Rate per year
1966 corn, wheat, barley, and soybeans (bushel)	100	$13.14
1966 grain sorghum (hundredweight)	100	23.52
1966 oats (bushel)	100	9.855
1965, 1964 corn and wheat and 1965 barley (bushel)	100	12.045
1965 oats (bushel)	100	8.76
1965 and 1964 grain sorghum (hundredweight)	100	21.56

(d) *1966–67 storage period.* Storage rates for adjustments under § 1421.3488 for the 1966–67 storage period are:

Crop	Unit	Rate per year
1965 corn, wheat, and barley (bushel)	100	$13.14
1965 grain sorghum (hundredweight)	100	23.52
1965 oats (bushel)	100	9.855
1964 corn and wheat (bushel)	100	12.045
1964 grain sorghum (hundredweight)	100	21.56

(e) *1965–66 storage period.* Storage rates for adjustments under § 1421.3488 for the 1965–66 storage period are:

Crop	Unit	Rate per year
1964 corn and wheat (bushel)	100	$13.14
1964 grain sorghum (hundredweight)	100	23.52

§ 1421.3536 Additional storage and quality requirements.

The commodity must be merchantable, must not contain substances poisonous to man or animal and must meet the requirements of § 1421.3486. In addition to the requirements for approved storage of § 1421.3487, 1964 crop hard wheat on which a sedimentation or protein premium or discount has been applied must be stored identity-preserved.

§ 1421.3537 Authorized storage period.

The 1969–70 reseal storage period shall begin on the date following the 1969 maturity date for the loan on a 1968 crop commodity and on the date following the 1969 anniversary date of the original loan maturity date on 1967 and prior crops and shall end on the anniversary of such dates during the 1970 calendar year.

§ 1421.3538 Warehouse receipt requirements.

The following sections of the price support regulations pertaining to warehouse receipt requirements on deliveries of commodities to CCC shall apply subject to the footnotes:

1964 crop corn, § 1421.2327 (29 F.R. 12004).
1964 crop wheat, § 1421.2128 (29 F.R. 8049).[1]
1964 crop grain sorghum, § 1421.2527 (29 F.R. 7591).
1965 crop corn, § 1421.2347 (30 F.R. 10836).
1965 crop wheat, § 1421.2148 (30 F.R. 7475).[2]
1965 crop grain sorghum, § 1421.2547 (30 F.R. 7991).
1965 crop barley, § 1421.2247 (30 F.R. 7811).
1965 crop oats, § 1421.2645 (30 F.R. 3195).
1967 and 1966 crop wheat, § 1421.2167 (31 F.R. 9414).[3]
1968, 1967, and 1966 crop corn, § 1421.2367 (31 F.R. 10464).
1968, 1967, and 1966 crop grain sorghum, § 1421.2567 (31 F.R. 8000).
1968, 1967, and 1966 crop barley, § 1421.2267 (31 F.R. 7964).
1968, 1967, and 1966 crop oats, § 1421.2656 (31 F.R. 4581).
1968, 1967, and 1966 crop soybeans, § 1421.2956 (31 F.R. 6013).
1968 crop wheat, § 1421.2105 (33 F.R. 7069).

§ 1421.3539 Settlement.

(a) *Support rate.* (1) Settlement for commodities delivered to CCC in satisfaction of a reseal loan shall be on the basis of the support rates, premiums and discounts in effect for the program year in which the original loan was made. The following sections, as amended, of the commodity regulations shall apply:

(i) *For corn.* 1964 crop, § 1421.2332 (29 F.R. 12004). 1965 crop, § 1421.2352 (30 F.R. 14361). 1966 crop, § 1421.2381 (31 F.R. 14307). 1967 crop, § 1421.2391 (32 F.R. 13046). 1968 crop, § 1421.2381 (33 F.R. 14449).

(ii) *For wheat.* 1964 crop, § 1421.2133 (29 F.R. 8049). 1965 crop, § 1421.2153 (30 F.R. 7475, 11207, and 12118). 1966 crop, § 1421.2179 (31 F.R. 9594). 1967 crop, § 1421.2185 (32 F.R. 8283). 1968 crop, § 1421.2119 (33 F.R. 8329).

(iii) *For grain sorghum.* 1964, § 1421.2531 (30 F.R. 7591). 1965 crop, § 1421.2551 (30 F.R. 10940). 1966 crop, § 1421.2579 (31 F.R. 9847). 1967 crop, § 1421.2585 (32 F.R. 9824). 1968 crop, § 1421.2579 (33 F.R. 9948).

(iv) *For barley.* 1965 crop, § 1421.2251 (30 F.R. 10936). 1966 crop, § 1421.2279 (31 F.R. 9842). 1967 crop, § 1421.2284 (32 F.R. 10052). 1968 crop, § 1421.2288 (33 F.R. 8650).

(v) *For oats.* 1965 crop, § 1421.2649 (30 F.R. 3195). 1966 crop, § 1421.2665 (31 F.R. 9337). 1967 crop, § 1421.2670 (32 F.R. 6615). 1968 crop, § 1421.2675 (33 F.R. 6527).

(vi) *For soybeans.* 1966 crop, § 1421.2968 (31 F.R. 12051). 1967 crop, § 1421.2974 (32 F.R. 12046). 1968 crop, § 1421.2968 (33 F.R. 12535).

(2) When a commodity delivered is of a grade and quality for which no discount has been established in the applicable commodity regulations, the discounts established for such grades and qualities shall be based on the market discounts, as established by CCC. Such discounts will be established not later than the time delivery of the commodity to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain such factors and discounts at county ASCS offices.

(b) *Shelling requirement for corn.* Corn delivered to CCC in satisfaction of a reseal loan must be shelled and the cost of shelling shall be for the account of the producer.

(c) *Special provisions for wheat.* During the 1969–70 storage period, official grade and protein determinations will not be required on wheat delivered to country warehouses in settlement of a loan nor on 1967 or 1968 crop wheat delivered to a country warehouse for the purpose of obtaining an extended warehouse-storage loan. Producers may request and obtain official grade or protein determinations, but the cost of such tests shall not be for the account of CCC. The following additional provisions shall apply to 1964 crop hard wheat:

(1) In the case of 1964 crop hard wheat delivered to CCC on which official sedimentation and protein determinations were made at the time of the loan, the same sedimentation value and protein content used in making the loan shall be applied in settlement provided the identical wheat so tested and mortgaged is delivered to CCC. If other eligible 1964 crop hard wheat is delivered to CCC in satisfaction of such loan, settlement shall be as provided in subparagraph (3) of this paragraph (c).

(2) If a producer has inadvertently commingled 1964 crop hard wheat on which official sedimentation and protein determinations were used in making the loan with wheat of the same or other crop years, settlement will be based on the grade and protein content of such wheat determined upon delivery to CCC, except that, if the producer requests that a sedimentation value determination be made, settlement on the 1964 crop wheat shall be for the lower of the protein content and sedimentation value determined at the time of disbursement of the loan and at the time of delivery. If the commingled wheat delivered to CCC

[1] No sedimentation value shall be entered on warehouse receipt or supplemental certificate. Official sedimentation and protein certificates not required. (See paragraph (c) of § 1421.3539.)

[2] Official protein certificates not required on deliveries to country warehouses. (See paragraph (c) of § 1421.3539.)

[3] Official grade and protein certificates not required on deliveries to country warehouses. (See paragraph (c) of § 1421.3539.)

is from different crops, the quantity delivered shall be prorated to each loan on the basis of the ratio which the quantity under each loan bears to the total quantity under all loans involved in the commingled delivery. The cost of sedimentation tests shall not be for the account of CCC.

(3) In the case of 1964 crop hard wheat on which official sedimentation and protein determinations were not made at the time of the loan, settlement shall be based on the grade and protein content determined upon delivery of the wheat to CCC, except that, if the producer requests that a sedimentation value determination be made, settlement will be based on the grade, protein content, and sedimentation value determined upon delivery of the wheat to CCC. The cost of sedimentation tests shall not be for the account of CCC.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 26, 1968.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-15600; Filed, Dec. 31, 1968; 8:48 a.m.]

[Cotton Loan Program Reg., Amdt. 2]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

SUBORDINATION OF PRIOR LIENS BY PRIOR LIENHOLDERS

In order to permit persons or firms holding valid prior liens on cotton tendered by producers to ASCS county offices for Commodity Credit Corporation loans or purchases to subordinate their security interests to the rights of CCC in such cotton, in lieu of executing lien waivers, § 1427.1364 of the Cotton Loan Program Regulations issued by Commodity Credit Corporation (33 F.R. 8802) is hereby amended to read as follows:

§ 1427.1364 Liens.

Cotton tendered for loan must be free and clear of all liens (except the warehouseman's lien for those charges which are authorized in the storage agreement with CCC). The signatures of the holders of all such existing liens on cotton tendered as security for a loan, such as landlords laborers, or mortagees, must be obtained on the Lienholder's Waiver on each Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton of that crop produced by a producer on a farm (or on all farms) or pledged on one Form A by use of Form 679, or by use of another form approved by CCC. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on cotton tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC 864) with CCC in which he subordinates his security interests to the rights of CCC in the cotton. A fraudulent representation as to prior liens or otherwise will render the producer personally liable and subject him, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment is effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., December 24, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-15601; Filed, Dec. 31, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9221; Amdt. 39-704]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes requiring modifications of the main housing assembly, was published in 33 F.R. 16006.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments have been received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Vickers Viscount Models 744, 745D, and 810 Series Airplanes incorporating Rotax Alternators N.0501, N.0502, N.0503, N.0505, N.0506, N.0507, N.0509, N.0510, and N.0511 installed on Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required within the next 1,250 hours' time in service after the effective date of this AD, unless already completed.

To prevent a fire hazard due to rubbing of the rotor shaft on the magnesium housing, in the event of a collapsed bearing, install liner Rotax P/N N.141715/1 in the main housing assembly in accordance with Rotax Modification No. 3599B, dated May 17, 1968, or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

This amendment becomes effective February 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 23, 1968.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-15567; Filed, Dec. 31, 1968; 8:46 a.m.]

[Docket No. 68-CE-18-AD; Amdt. 39-702]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 55 and 95 Series Airplanes

There have been reports of engine power losses on Beech Model 55 Series Airplanes caused by air in the fuel lines resulting from uncovering the fuel tank outlets in performing fast taxi turns and turning type takeoffs. In addition prolonged slips and skids in flight have caused similar engine power losses. Further, accidents have occurred in these series airplanes because using fuel from auxiliary tanks during takeoff results in engine power losses. This auxiliary fuel tank usage is not in accordance with approved FAA operating procedures. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued emphasizing that main fuel tanks are to be used for takeoffs and landings, prohibiting turning type takeoffs or a takeoff immediately following a fast taxi turn, and requiring the installation of a placard reading "Take off and land on main tanks only. Turning type takeoffs or takeoffs immediately following fast taxi turns prohibited. Refer to FAA Flight Manual for other fuel system limitations."

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 95, B95, 95-55, 95-A55, B95A, D95A, E95, 95-B55, 95-B55B, 95-C55, and D55 Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent engine power loss, accomplish the following:

(A) Effective immediately, turning type takeoffs or a takeoff immediately following a fast taxi turn is prohibited.

(B) Within 10 hours' time-in-service after the effective date of this airworthiness directive, install a permanent type placard on the leading edge of the fuel selector panel, with the following wording:

"Take off and land on main tanks only. Turning type takeoffs or takeoffs immediately following fast taxi turns prohibited.

Refer to FAA Flight Manual for other fuel system limitations."

and revise the Airplane Flight Manual to include Beech Part No. 130776 AFM Supplement dated November 27, 1968 with the exception that the portion a. and b. under *"For Ground Operation"* is to be deleted.

NOTE: The operator may make and install the above placard with a minimum of 3/16-inch high letters.

This amendment becomes effective January 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on December 24, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-15604; Filed, Dec. 31, 1968; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 4-4.50—General

PROCUREMENT

Correction

In F.R. Doc. 68-15386 appearing at page 19777 of the issue for Friday, December 27, 1968, in the third line of § 4-4.5068(a), after the word "may" insert the word "not."

Chapter 10—Department of the Treasury

PART 10-12—LABOR

Subpart 10-12.8—Equal Opportunity in Employment

The Secretary of Labor has issued regulations under Executive Order 11246 to promote and insure equal opportunity in employment with Government contractors, without regard to race, creed, color, or national origin, which have been promulgated as Chapter 60 of Title 41 of the Code of Federal Regulations, 33 F.R. 7804, May 28, 1968. Section 60-1.6(c) provides that the head of each agency shall prescribe regulations for the administration of the order and of the regulations of the Secretary of Labor. In conformity with that requirement, the following regulations are being issued by the Department of the Treasury to provide for the administration of the equal employment opportunity requirements with respect to contracts for Treasury procurement and to implement and supplement the regulations of the Labor Department as applied to contracts with depositary banks and with those financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes. These regulations were approved by the Acting Director of the Office of Federal Contract Compliance on December 20, 1968.

Since these regulations involve matters relating to agency management and to public contracts, within the meaning of 5 U.S.C. 553, they are issued without notice of proposed rule making and shall take effect as of the date of publication.

Accordingly, the Department of the Treasury hereby add to Chapter 10 of Title 41 of the Code of Federal Regulations a Part 10-12—Labor, and hereby promulgates as a subpart thereof Subpart 10-12.8—Equal Opportunity in Employment, to read as follows:

Subpart 10-12.8—Equal Opportunity in Employment

AUTHORITY: The provisions of this Subpart 10-12.8 issued under E.O. 11246,, as amended by E.O. 11375, 42 U.S.C. Supp. III, 2000e note; and 41 CFR ch. 60.

§ 10-12.801 Scope of subpart.

(a) This subpart implements and supplements rules and regulations issued by the Secretary of Labor as Chapter 60 of this title to carry out the provisions contained in Parts II, III, and IV of Executive Order 11246, as amended by Executive Order 11375, for the promotion of equal opportunity in employment with Government contractors on the basis of merit and without discrimination because of race, color, religion, sex, or national origin. The provisions of Chapter 60 of this title apply to the contracts of the Treasury Department except as may be specifically provided herein. The regulations in this subpart prescribe administrative requirements and procedures to assure compliance with the program for equal employment opportunity under Treasury contracts.

(b) Sections 10-12.803 to 10-12.815 apply exclusively to contracts with financial agents, as defined in § 10-12.803(c). Sections 10-12.816 to 10-12.830 are reserved for subsequent provisions governing financial agents. Sections 10-12.831 to 10-12.899 are reserved for regulations applying to other Treasury contracts covered by Executive Order 11246, as amended.

§ 10-12.802 Administrative responsibility.

The Secretary has designated an Assistant Secretary as the Treasury Department Contract Compliance Officer, who is responsible to the Secretary for carrying out the duties and responsibilities of the Department under Chapter 60 of this title and the provisions of this subpart. In his office the Contract Compliance Officer has established an Office of Employment Policy, the Associate Director of which is designated as the Principal Deputy Contract Compliance Officer. He is assisted by Contract Compliance Specialists. Additionally, the bureaus and offices of the Department have designated Deputy Contract Compliance Officers to assist the Department Contract Compliance Officer in the administration of the Executive order, as amended, with respect to contractors for whom the respective bureaus and offices have been designated as compliance agency units.

§ 10-12.803 Definitions.

(a) The term "Compliance Agency" means the Treasury Department.

(b) The term "contract" includes any agreement to serve as a financial agent, whether written or implied by the performance of services as a financial agent.

(c) The term "financial agent" in this subpart means a bank which, under Treasury Department regulations, accepts deposits of public money in any amount, or any financial institution which, under Treasury Department regulations, acts as either an issuing or paying agent for U.S. savings bonds and savings notes. The term "financial agent" does not include any organization, other than a financial institution, which is an issuing agent only, or a Federal Reserve Bank.

§ 10-12.804 Equal opportunity clause.

(a) By operation of the order, as amended, and of the regulations of the Treasury Department in 31 CFR Parts 202, 203, 214, 317, and 321, the equal opportunity clause in section 202 of Executive Order 11246, as amended, applies to every contract with a financial agent whether the contract is made by written agreement with the Department, or with a Federal Reserve Bank acting as its fiscal agent, or is created by the deposit of public money by an officer, agent, or employee of the United States.

(b) Hereafter, the equal opportunity clause shall be incorporated by reference in every written agreement entered into by a financial agent with the Treasury Department, or with a Federal Reserve Bank acting as its fiscal agent.

§ 10-12.805 Exemptions.

The exemptions provided in § 60-1.5 of this title which are based on dollar amounts do not apply to contracts with financial agents.

§ 10-12.806 Notice of qualification of financial agents.

The qualifying authority shall notify the Contract Compliance Officer, in accordance with Fiscal Service instructions, of the qualification of a financial agent, its address, and the services for which it has qualified. On the basis of information available to and furnished by the Contract Compliance Officer to the qualifying authority, the qualification of a

financial agent may be deferred pending a review of the agent's equal opportunity compliance status. The provisions of § 60–1.6(d) of this title shall not otherwise apply to the making of a contract with a financial agent.

§ 10–12.807 Reports.

(a) *Compliance reports.* Each financial agent which has 50 or more employees shall file annually on or before the 31st day of March a complete and accurate report on Standard Form 100 (EEO–1) promulgated jointly by the Office of Federal Contract Compliance, the Equal Employment Opportunity Commission, and Plans for Progress, or such form as may hereafter be promulgated in its place.

(b) *Initial reports.* Each newly qualified financial agent shall file with the Contract Compliance Officer an initial report on a form supplied by that officer within 30 days after receipt of the report form. If such report is filed on the compliance report form required under paragraph (a) of this section between November 1 of the year in which the financial agent is qualified and the following March 31, no further report will be due as of that March 31.

§ 10–12.808 Segregated facilities.

(a) All financial agents agree as part of their obligations as an equal opportunity employer not to maintain or provide for employees any facilities which are segregated on the basis of race, color, religion, or national origin, at the main office or any branch office.

(b) An application or agreement to perform the services of a financial agent shall include a certification in the form approved by the Director that no such segregated facilities are or will be maintained.

§ 10–12.809 Compliance reviews.

Compliance reviews required by virtue of § 60–1.20 of this title will be conducted by a Deputy Compliance Officer or other qualified personnel of the Treasury Department regularly involved in the Equal Employment Opportunity program.

§ 10–12.810 Complaints.

Complaints filed with the Treasury Department or referred to the Treasury Department by the Director of the Office of Federal Contract Compliance, Department of Labor, will be processed in accordance with the provisions of § 60–1.24 of this title.

§ 10–12.811 Violation of equal opportunity clause.

If any complaint, investigation or compliance review indicates a violation of the equal opportunity clause, reasonable efforts will be made to resolve this matter by informal means, by negotiation, conciliation, or compliance conference or informal hearings.

§ 10–12.812 Hearings.

Formal and informal hearings will be conducted in accordance with provisions of § 60–1.26 of this title.

§ 10–12.813 Sanctions and penalties.

The sanctions described in § 60–1.27 of this title include ineligibility for qualification and the termination of the qualification of a financial agent, accompanied by the withdrawal of any public funds maintained therein.

§ 10–12.814 Affirmative action compliance programs.

Each financial agent having 50 or more employees is required to develop and maintain a written affirmative action compliance program, as provided in § 60–1.40 of this title, for each of its establishments which has administrative authority over the hiring, promotion, and separation of its personnel. Each affirmative action program will outline specific responsibilities of branch banks in implementation of the central plan.

§ 10–12.815 Solicitations and advertisements.

Each financial agent shall include in all solicitations or advertisements for employees a statement that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. The alternative types of action which will satisfy this requirement are set forth in § 60–1.41 of this title.

Effective date. The regulations shall be effective upon promulgation in the FEDERAL REGISTER.

Dated: December 27, 1968.

[SEAL] JOSEPH W. BARR,
Secretary of the Treasury.

[F.R. Doc. 68–15585; Filed, Dec. 31, 1968; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Delegations of Authority to Director, National Institutes of Health

The following amendments modify Part 73 to reflect Reorganization Plan No. 3 of 1966, and the Reorganization Orders of the Secretary of Health, Education, and Welfare of March 13, April 1, as amended, and July 1, 1968 (33 F.R. 4894, 4526, 9909). Under the aforementioned reorganization orders all functions relating to the control of biological products previously vested in or delegated to the Surgeon General under the regulations, 42 CFR Part 73, were transferred to the Director, National Institutes of Health, and existing delegations of authority and regulations were superseded to the extent inconsistent therewith.

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted for the following amendments which relate solely to agency organization.

Part 73 of the Public Health Service Regulations, 42 CFR, is hereby amended as follows:

1. Paragraph (b) of § 73.1 is hereby amended and paragraph (c) of § 73.1 is hereby deleted and the following new paragraph (c) is substituted in lieu thereof:

§ 73.1 Definitions.

* * * * *

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Director, National Institutes of Health" means the Director of the National Institutes of Health of the U.S. Public Health Service.

* * * * *

2. The term "Surgeon General" is deleted wherever it appears in Part 73 and the term "Director, National Institutes of Health" substituted in lieu thereof.

Effective date. These amendments are effective as of April 1, 1968.

(Sec. 215, 58 Stat. 690, as amended; Reorganization Plan No. 3 of 1966, 31 F.R. 8855; 42 U.S.C. 216, 3 CFR 1966 Comp. Reorganization Orders of Mar. 13, Apr. 1, as amended, and July 1, 1968; 33 F.R. 4894, 4526, 9909)

Dated: November 22, 1968.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: December 26, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68–15591; Filed, Dec. 31, 1968; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Interim Policy Statement No. 10 setting forth the regulations for the program administered under Title IV, Part A of the Social Security Act, with respect to the expiration of the Community Work and Training Program, was published in the FEDERAL REGISTER of August 10, 1968 (33 F.R. 11421). No objections having been received from any person, such regulations are hereby codified by adding a new Part 233 to Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 233.140 Expiration of community work and training program.

The provisions of section 409 of the Social Security Act, as amended, "Community Work and Training Programs", shall not apply to any State with respect to any quarter beginning after June 30, 1968. Federal financial participation will not be available in expenditures made in the form of payments for work performed in any month after June 1968, except under the Work Incentive Program authorized by Title IV, Part C of the Social Security Act, or under the work experience and training programs authorized by title V of the Economic Opportunity Act.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 204(c)(2), 81 Stat. 892)

Effective date. The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: December 17, 1968.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: December 26, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-15590; Filed, Dec. 31, 1968; 8:47 a.m.]

PART 237—FISCAL ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Interim Policy Statement No. 9 setting forth the regulations for the programs administered under titles I, IV—Part A, X, XIV, XVI, and XIX of the Act, with respect to the maintenance of State effort, was published in the FEDERAL REGISTER of August 10, 1968 (33 F.R. 11421). No objections having been received from any person, such regulations are hereby codified by adding a new Part 237 to Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 237.60 Maintenance of State effort; Federal financial participation.

For the programs administered under titles I, IV—Part A, X, XIV, XVI, and XIX of the Social Security Act:

(a) For fiscal years ending June 30, 1967, and June 30, 1968, a State may, at its option, apply the "maintenance of State effort" provisions under section 1117 of the Social Security Act on a fiscal year basis rather than on a quarterly basis. If a State exercises this option, it must choose, as the base period against which its effort is to be measured, either the fiscal year ending June 30, 1965, or the fiscal year ending June 30, 1964. Subsections (b) and (c) of section 1117 of the Act (relating to the manner of determining expenditures and reductions) would also be applied on a fiscal year basis if the State exercises this option.

(b) A State may, at its option, apply the "maintenance of State effort" provisions under section 1117 of the Act on the basis of several additional alternatives as to the expenditures (total and Federal share) that will be taken into account in determining whether a reduction is necessary under section 1117 of the Act.

(1) The State may take into account, as previously provided, all expenditures under titles I, IV—Part A, X, XIV, XVI, and XIX (including money payments, vendor medical payments, and costs of administration); or

(2) The State may make the determination

(i) On the basis of these expenditures plus the expenditures under section 523 of the Act (or section 422 of the Social Security Act, as amended by section 240(c) of Public Law 90-248), relating to child welfare services,

(ii) On the basis of money payments alone (under titles I, IV—Part A, X, XIV, and XVI), or

(iii) On the basis of money payments alone plus the expenditures under section 523 or 422 of the Act.

(c) These additional options both as to making the determination on a fiscal year rather than quarterly basis, and as to the expenditures included, may be applied retroactively to July 1, 1966, by any State subject to a reduction under the provisions of section 1117 of the Act as in effect prior to the enactment of section 221 of Public Law 90-248.

(d) The "maintenance of State effort" provisions have been made inapplicable to periods prior to July 1, 1966.

(e) Section 1117 of the Act was repealed, effective July 1, 1968, by section 221(d) of Public Law 90-248.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in this part are effective on the date of their publication in the FEDERAL REGISTER.

Dated: December 20, 1968.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: December 26, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-15589; Filed, Dec. 31, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18266]

PART 97—AMATEUR RADIO SERVICE

Novice Class Amateur Radio License; Correction

In the matter of amendment of Part 97 of the Commission's rules concerning the Novice Class amateur radio license, Docket No. 18266, RM-1288; amendment of Part 97 to extend special privileges to amateur Novice Class applicants and licensees over 40 years of age, RM-1324.

The amendment of § 97.9(f) as set forth in paragraph 1 to the report and order (FCC 68-1178, 33 F.R. 19017) in this proceeding which was released December 18, 1968, should read as follows:

§ 97.9 Eligibility for new operator license.

* * * * *

(f) *Novice Class.* Any citizen or national of the United States, except a person who holds, or who has held within the 12-month period prior to the date of receipt of his application, a Commission-issued amateur radio license. The Novice Class license may not be concurrently held with any other class of amateur radio license.

Released: December 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-15592; Filed, Dec. 31, 1968; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1004, Amdt. 1]

PART 1033—CAR SERVICE

Harriman & Northeastern Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 23d day of December 1968.

Upon further consideration of Service Order No. 1004 (33 F.R. 12660), and good cause appearing therefor:

It is ordered, That:

Section 1003.1004 *Service Order No. 1004* (Harriman & Northeastern Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.), be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1969, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the

terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-15581; Filed, Dec. 31, 1968; 8:46 a.m.]

[Corrected S.O. 1003, Amdt. 1]

PART 1033—CAR SERVICE

Illinois Central Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 23d day of December 1968.

Upon further consideration of Service Order No. 1003 (33 F.R. 12741), and good cause appearing therefor:

It is ordered, That:

Section 1033.1003 *Service Order No. 1003* (Illinois Central Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.), be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1969, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-15582; Filed, Dec. 31, 1968; 8:46 a.m.]

[S.O. 1005, Amdt. 1]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. Authorized To Operate Over Certain Trackage Abandoned by Tennessee Central Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 23d day of December 1968.

Upon further consideration of Service Order No. 1005 (33 F.R. 12660), and good cause appearing therefor:

It is ordered, That:

Section 1033.1005 *Service Order No. 1005* (Louisville and Nashville Railroad Co. authorized to operate over certain trackage abandoned by the Tennessee Central Railway Co.), be and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof.

(e) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-15583; Filed, Dec. 31, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES GROWN IN CERTAIN STATES

Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the rules and regulations (§§ 929.101, 929.102, 929.103, 929.104, 929.105, and 929.106), hereinafter designated as Subpart—Rules and Regulations, currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929; 33 F.R. 11639), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of the said rules and regulations was proposed by the Cranberry Marketing Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposal is that the following new sections be added:

§ 929.107 Basis for determining established cranberry acreage.

(a) To be classified as established cranberry acreage pursuant to §§ 929.16 and 929.48, all such acreage must presently be producing cranberries on a commercial basis or planted, in accordance with order provisions, so as to produce cranberries on a commercial basis. "Commercial crop" is synonymous with "commercial basis" and shall mean:

(1) Acreage on which a commercial crop of cranberries was produced, harvested, and sold at least once during the crop years 1965–66 through 1967–68, and the record of such sales as verified by the handler thereof, shall show that the cranberries were produced in a quantity of at least 15 barrels per acre; or

(2) Acreage that has a sufficient density of growing vines to show that such acreage can produce a commercial crop of at least 15 barrels an acre without replanting or renovation of any kind.

(b) It shall be the responsibility of the Cranberry Marketing Committee to determine no later than August 31, 1969, by physical inspection or other means whether there is sufficient vine density for cranberry acreage to qualify as "established cranberry acreage" in accordance with paragraph (a) (2) of this section. In making such determination, the committee shall be guided by standards of comparison between the potential bog and present existing bogs in the same area.

(c) If the determination were that all or part of the acreage eligible under paragraph (a) (2) of this section does not have sufficient vine coverage to produce 15 barrels an acre, that portion without sufficient vine coverage will not qualify as established acreage under this section. In the event only a portion of an acreage has sufficient vine population and density to produce 15 barrels of cranberries an acre, such portion will qualify as established cranberry acreage pursuant to this section. Since such qualified portion of the acreage would be eligible for a base quantity it must be definitely and permanently delineated. It shall be the responsibility of the grower to maintain adequate sales records to show actual sales from established acreage and submit such records to the committee separately from sales records pertaining to any other acreage. The report of sales must be filed by the grower no later than February 1 of the calendar year succeeding the crop year to which such sales pertain, except that such report of sales for the 1968 crop year shall be filed no later than July 1, 1969.

§ 929.108 Firm and substantial commitment as used in determining base quantities.

(a) (1) Pursuant to § 929.48(a)(1), provision has been made for growers who did not meet the August 16, 1968, deadline for having established cranberry acreage, but who had made a "firm and substantial commitment" prior to June 21, 1968, so that sales from such acreage may be eligible for calculating the base quantity. In considering what constitutes a "firm and substantial commitment" in order to grant an extension of time in which to plant, the committee should consider the investment in time, money, or labor, prior to June 21, 1968, on acreage for the purpose of producing cranberries, which acreage was not planted prior to August 16, 1968. Applications based solely on the acquisition of land or equipment, or a combination thereof, shall not automatically constitute a proper basis for the committee to find that a firm and substantial commitment had been made.

(2) To receive an extension of time beyond August 16, 1968, in which to plant so as to be eligible for an adjustment or a new base quantity, as provided in § 929.48(a)(1), a grower shall submit proof to the committee which is satisfactory to show a "firm and substantial commitment" had been made. Such proof should include vouchers and sales slips, and records of labor or other expenditures which were made on the specific acreage in question prior to June 21, 1968. Any other form of satisfactory proof shall be considered also. The grower shall file with the committee, on forms furnished by it, other information which may be necessary to substantiate his claim.

(b) To establish proof of commitment, the evidence submitted by the grower shall be in the form of a certified statement transmitted to the committee for its consideration. Such form shall include the following:

(1) The grower's name, address, and phone number;

(2) The location of the acreage and the date of acquisition;

(3) The total cranberry acreage planted prior to 1968;

(4) The total new acreage completed by August 16, 1968;

(5) The total acreage not completed by August 16, 1968;

(6) A statement of contractual labor or equipment used by the grower, including the name of the contractor, the date of the contract, and a copy of the contract;

(7) A list of the names of employees, if the grower employed his own labor force and equipment;

(8) Reasons why the acreage was not completed by August 16, 1968;

(9) A statement describing the work necessary to complete the unfinished bog, including an estimate of expenditures necessary to complete it, specifying the expected date of completion and the year the first crop will be harvested;

(10) A statement giving alternative uses to which the property might be put; and

(11) Any other factors or information which will assist the committee in determining whether to grant an extension of time for planting.

(c) In the event the committee determines an exception should be granted, it may grant the grower an extension of time beyond August 16, 1968, in which to plant vines on the acreage involved.

(d) In the event the grower is not satisfied with the determination of the committee as to whether to grant an extension, he may appeal such decision as provided for in § 929.48(c) of the order. Such extension of time will in no way affect the representative period during which the base quantity will be determined. All requests for an extension must be made to the committee not later than March 31, 1969, and in cases where extensions are granted, all work necessary to produce a crop on the acreage involved must be completed prior to August 1, 1969.

§ 929.109 Unusual circumstances as used in determining base quantities.

"Unusual circumstances," as used in § 929.48(a)(3), shall include but not necessarily be limited to the taking of property under the power of eminent domain and also "Acts of God," such as an earthquake, seashore erosion, encroachment

of sand dunes, saline contamination due to prolonged inundation, a forest fire, and any other circumstances which are beyond the grower's control and destroy the ability of a cranberry bog to produce cranberries to such an extent that the bog is found, in the judgment of the committee, to be permanently lost for commercial purposes.

§ 929.110 Transfers or sales of cranberry acreage during the representative period.

(a) Sales or transfers of cranberry acreage during the representative period shall be reported, in writing, by the transferor and transferee setting forth sales attributed to such acreage, to the committee at its office in Wareham, Mass., or at such other location as it may designate, not later than 30 days after the transaction has occurred.

(b) Upon transfer of all or a portion of a given acreage, the committee should be given certain specific information either on forms it will provide, or in statements provided by the parties. The purchaser and seller must provide the following information:

(1) Crop records for the acreage involved;

(2) Annual production and sales for each year during the base period on the acreage involved, either in total, or for each individual parcel; and

(3) Such other information as the committee deems necessary.

(c) Cranberry acreage sold or transferred during the representative period shall be recognized in connection with the issuance of base quantities as follows:

(1) If a grower sells all of the acreage comprising the entity, all prior sales made during the representative period, shall accrue to the purchaser.

(2) If a grower sells only a portion of the acreage comprising the entity from which prior sales have been made during the representative period, the purchaser and the seller must agree as to the amount of sales attributed to each portion and both parties give notice thereof to the committee listing such sales separately by years. However, the sales attributed to each such portion shall not exceed the potential production as determined by the committee, for such acreage at the time of transfer.

§ 929.125 Committee review procedures.

Pursuant to § 929.48(c), growers may request, and the committee shall grant, a review of determinations made by the committee pursuant to § 929.48 (a) and (b), in accordance with the following procedures:

(a) If a grower is dissatisfied with a determination made by the committee which affects him, he may submit to the committee within 30 days after he is notified of the determination, a request for a review by the committee of that determination, along with any materials which he feels are pertinent and a written argument if he so desires.

(b) The committee shall review its determination within a reasonable length of time taking into account all materials submitted by the grower in accordance with paragraph (a) of this section, and any other material which it deems pertinent. Thereupon, the committee shall make a redetermination, and notify the grower of its conclusions, accompanied by the reasons for its decision.

(c) If the grower is not satisfied with the subsequent decision of the committee, he may appeal, through the committee, to the Secretary, within 30 days after he is notified of the committee's findings. The committee shall promptly forward the entire file on the matter to the Secretary.

(d) The Secretary shall promptly review the decision of the committee as a result of its redetermination, and in doing so shall consider at least the following information:

(1) The complete file on the issue which was submitted by the committee in accordance with paragraph (c) of this section;

(2) Additional pertinent information submitted to the Secretary by the grower; and

(3) Additional pertinent information submitted to the Secretary by the committee.

(e) Upon completion of his review, the Secretary shall reach a decision with respect to the matter before him. He shall promptly notify all interested persons of his decision, and such decision shall be final.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment of the said rules and regulations shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 26, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-15572; Filed, Dec. 31, 1968; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

PINE RIVER INDIAN IRRIGATION PROJECT, COLO.

Operation and Maintenance Charges

Notice is hereby given of the intention to modify § 221.55 *Charges* of Title 25, Code of Federal Regulations, Chapter I, Subchapter T, dealing with operation and maintenance assessments against the irrigable lands of the Pine River Indian Irrigation Project, Colo., by increasing the basic water charges from $2 per acre to $2.50 per acre per annum for Project operation and maintenance and $0.16 per acre per annum for Vallecito Reservoir operation and maintenance. The revised section shall read as follows:

§ 221.55 Charges.

Pursuant to the provisions of the Act of August 1, 1914 (38 Stat. 583; U.S.C., sec. 385) and March 7, 1928 (45 Stat. 200, 210), the basic annual charges for operation and maintenance against the irrigable lands of the Pine River Indian Irrigation Project, Colo., for the year 1969 and thereafter until further notice are hereby fixed as follows:

(1) Project operation and maintenance	$2.50
(2) Vallecito Reservoir operation and maintenance	0.16
(3) Minimum charges for any tract	4.00

A minimum billing will be assessed against any tract of land where the total charges are less than $4.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to Walter O. Olson, Area Director, Albuquerque Area Office, Albuquerque, N. Mex., Attention: Land Operations, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

(Order No. 2508, Amdt. 1 (16 F.R. 473-474); Order No. 551, Amdt. 1 (16 F.R. 5456-5457))

LOYD E. NICKELSON,
Acting Assistant Area Director, Economic Development.

[F.R. Doc. 68-15554; Filed, Dec. 31, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9321]

AIRWORTHINESS DIRECTIVE

Certain Schleicher Model ASK-13 Gliders

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Schleicher Model ASK-13 gliders, Serial Nos. 13000 through 13104, 13108, 13109, except Serial Nos. 13071 and 13096. There has been an instance in which the landing gear end buffer plate on a Schleicher ASK-13 glider slipped inside the rubber buffer, causing the landing gear to block the main control rod. Since this condition is likely to exist or develop in other aircraft of the same type design, this airworthiness directive is being proposed to require replacement of the buffer plate on the left and right landing gear with a larger buffer plate.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 1, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SCHLEICHER. Applies to Schleicher Model ASK–13 gliders, Serial Nos. 13000 through 13104, 13108, 13109, except Serial Nos. 13071 and 13096.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the landing gear end buffer plate from slipping inside the rubber buffer, replace the 2.76-inch diameter buffer plate located on the left and right landing gear with a 3.55-inch diameter buffer plate, in accordance with Schleicher Modification No. 3, dated September 4, 1968, or later LBA-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on December 23, 1968.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–15568; Filed, Dec. 31, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–SO–101]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cochran, Ga., transition area and alter the Augusta, Dublin, Eastman, and Macon, Ga., transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Cochran transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Municipal Airport; within 2 miles each side of the Vienna VORTAC 046° radial, extending from the 5-mile radius area to 12 miles northeast of the VORTAC.

The Augusta transition area described in § 71.181 (33 F.R. 2137 and 12178) would be amended by deleting the following: "* * * and that airspace extending upward from 3,000 feet MSL bounded on the north by a line extending from lat. 33°03'40" N., long. 82°30'00" W. to lat. 33°03'30" N., long. 82°02'20" W., on the east by a line 8 miles west of and parallel to the Augusta VORTAC 157° radial, on the south by the north boundary of V–70, and on the west by long. 82°30'00" W. * * * "

The Dublin transition area described in § 71.181 (33 F.R. 2137 and 12085) would be amended by adding the following to the present description: "* * * that airspace extending upward from 1,200 feet above the surface within a 16-mile radius of Dublin Municipal Airport, excluding the portion that coincides with the Macon and Vidalia, Ga., transition areas; and that airspace extending upward from 2,700 feet MSL north of Dublin, beginning at the intersection of the arc of a 35-mile radius circle centered on the Macon VORTAC and the south boundary of V–56, thence northeast along the south boundary of V–56 to long. 82°50'00" W., thence south to lat. 33°03'50" N., long. 82°50'00" W., thence east to lat. 33°03'30" N., long. 82°02'20" W., thence south along a line 8 miles west of and parallel to the Augusta VORTAC 157° radial to the north boundary of V–70, thence southwest along the north boundary of V–70, to and counterclockwise along the arc of a 16-mile radius circle centered at Dublin Municipal Airport, to and counterclockwise along the arc of a 35-mile radius circle centered on the Macon VORTAC to point of beginning."

The Eastman transition area described in § 71.181 (33 F.R. 2137) would be amended by adding the following to the present description: "* * * and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V–70, on the northeast by V–5, on the southwest and west by V–243E."

The Macon transition area described in § 71.181 (33 F.R. 2137) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Herbert Smart Airport (lat. 32°49'20" N., long. 83°33'50" W.); within a 10-mile radius of Robins AFB; within a 10-mile radius of Lewis B. Wilson Airport; within 8 miles southeast and 5 miles northwest of the Macon ILS localizer southwest course, extending from the Lewis B. Wilson Airport 10-mile radius area to 12 miles southwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; that airspace north of Macon bounded on the north by V–18S, on the east by V–35, and on the southwest by V–267; and that airspace northeast of Macon extending upward from 2,700 feet MSL, extending from the 35-mile radius circle, bounded on the north by V–18S, on the east by long. 82°50'00" W., on the southeast by V–56, and on the west by V–35, excluding the portion that coincides with the Atlanta, Ga., transition area.

The proposed Cochran, Ga., transition area is required for the protection of IFR operations at Cochran Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Vienna, Ga., VORTAC, is proposed in conjunction with the designation of this transition area.

A review of controlled airspace in the Macon, Ga., terminal area disclosed insufficient controlled airspace protection for some instrument approach procedures and excessive controlled airspace protection for others. Current criteria appropriate to Robins AFB and Lewis B. Wilson Airport require increases in the basic radius circles from 8 to 10 miles and from 6 to 10 miles respectively. Additionally, to obtain maximum utilization of controlled airspace, it is proposed to lower the floor of the 3,000-foot MSL transition areas northeast of Macon and southwest of Augusta to 2,700 feet MSL, and reassign the area southwest of Augusta to Dublin, Ga. This proposed action will permit the use of the cardinal altitude of 3,000 feet MSL in these areas and provide compatibility with adjacent airways which have MEAs of 2,000 and 3,000 feet MSL.

The proposed Dublin 1,200-foot transition area is required to provide controlled airspace protection for aircraft during climb from 1,200 feet above the surface to the base of the overlying controlled airspace.

The proposed Eastman 1,200-foot transition area is required to provide controlled airspace protection for IFR aircraft in descent to 1,500 feet above the surface. This area was originally designated in the Macon, Ga., transition area. The designation of VOR Federal Airway 243E Alternate eliminated the requirement for this area, with the exception of one small area west and one small area southeast of Eastman.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 20, 1968.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-15569; Filed, Dec. 31, 1968; 8:46 a.m.]

[14 CFR Part 157]

[Regulatory Docket No. 9322; Notice No. 68-36]

CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 157 of the Federal Aviation Regulations to: (1) Separate the reporting standards for heliport proposals from proposals relating to fixed wing aircraft; (2) consider noise nuisance factors in aeronautical studies associated with proposed airport projects; (3) consider the airport or heliport proposals with regard to the effect of existing or proposed man-made objects and natural objects; (4) require notification to the FAA upon completion of an airport project.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 3, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In the preamble of the final rule revising FAR Part 157, effective March 2, 1966, it was stated, in response to comments related to the question of helicopters being covered by the revision, that the FAA was making a further study to determine whether separate reporting standards are required for heliports. This study confirmed that it is unreasonable to impose the same reporting standards for both classes of landing areas, and that a more liberal standard would be appropriate. Thus, the new § 157.5(b) would specify those situations where the new reporting standards for heliports would apply.

Noise factors sometimes have been considered in studies of airport proposals submitted under the provisions of Part 157. It is appropriate that a reference be made to this subject in § 157.7(a) in view of the recently enacted amendment to the Federal Aviation Act which inserted section 611, entitled "Control and Abatement of Aircraft Noise and Sonic Boom."

The FAA, in its aeronautical studies, also considers the effects of airport proposals upon existing and proposed man-made objects and natural objects within a predetermined area. Therefore, the regulation should be changed to reflect these factors since they could have an adverse effect upon the safety of aircraft and persons and property on the ground.

It is also proposed to include a new provision in Part 157 in which the FAA will be notified when the proposed airport construction is completed. This information is needed for cartographic purposes and to permit the orderly planning of airports, and to prevent the needless protection of airspace should completion of a project never be realized.

There are several other minor changes that have been proposed in this notice. The first sentence of § 157.5(a) has been slightly reworded to clarify its meaning and application. Since a new section on heliports is proposed (§ 157.5(b)), the words "for fixed wing aircraft" would be inserted in the first sentence of § 157.5 (a) to read: "a personal or private use airport for fixed wing aircraft * * *." The word "weather" would be inserted in that sentence after "VFR" to make it compatable with the new § 157.5(b).

In the proposed § 157.7(a), the word "exclusively" would be deleted since the aeronautical study would no longer be based solely on the safe and efficient use of airspace by aircraft.

Several editorial changes have been made in § 157.5 to clarify the use of the information received by the FAA on Form 7480-1.

In consideration of the foregoing, it is proposed to amend Part 157 as follows:

§ 157.5 [Amended]

1. The first sentence of § 157.5 *Notice of intent* would be amended to read: "Except as provided in paragraphs (a), (b), and (c) of this section * * *"

2. The first sentence of § 157.5(a) would be amended to read:

(a) Information concerning a personal or private use airport for fixed wing aircraft, used solely under VFR weather conditions and located more than 20 nautical miles from any airport for which an instrument approach procedure is authorized, and more than 5 nautical miles from any airport open to the public shall be submitted on FAA Form 7480-1 at least 30 days before work is to begin.* * *

3. A new § 157.5(b) would be added to read:

(b) Information concerning a personal or private-use heliport for use solely in VFR weather conditions if the location of the project is—

(1) Outside of a control zone, residential or business area;

(2) More than 10 nautical miles from any airport or heliport for which an instrument approach procedure has been authorized;

(3) More than 3 nautical miles from any other airport; and

(4) More than 1 nautical mile from any other heliport shall be submitted on FAA Form 7480-1 at least 30 days before work is to begin. After stating whether the project is one of alteration or establishment, only Items A, B, D, and I of the form need be filled out.

4. A new § 157.5(c) would be added to read:

(c) Information received under paragraphs (a) and (b) of this section shall normally be used only for record purposes, unless the FAA determines that an aeronautical study is required.

5. Section 157.5(b) would be redesignated as § 157.5(d) and would be amended to read:

(d) Information concerning the deactivation, discontinued use, or abandonment of an airport, runway, landing strip, or associated taxiway shall be submitted either by letter, or on FAA Form 7480-1, and prior notice is not required. Any information received under this section will be used for record purposes only unless the affected property is subject to any agreement with the United States requiring that it be maintained and operated as a public airport. Copies of FAA Form 7480-1 may be obtained from the nearest FAA Area Manager's Office or Regional Office.

§ 157.7 [Amended]

6. Section 157.7 *FAA determination* would be redesignated § 157.7(a), and § 157.7 (a), (b), and (c) would be redesignated § 157.7(a) (1), (2), and (3), respectively, and amended to read:

(a) The Federal Aviation Administration makes aeronautical studies of airport proposals and after consultations are held with interested persons, as appropriate, advises those concerned of the FAA determination. This determination will be based primarily on consideration of the safe and efficient use of airspace by aircraft. In making the determination, the FAA will consider in addition matters such as the effects it would have on existing or contemplated traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have upon existing or proposed man-made objects and natural objects within the affected area, and the effects the airport proposal would have on noise levels in the community. These determinations will fall within one of the following categories:

(1) No objection to the proposal.

(2) No objection to the proposal if certain conditions are met, such as the execution of aircraft operations in VFR weather conditions only, the establishment of traffic patterns compatible with those of adjacent airports, the exclusive use of the airport by the owner and such other conditions as the FAA may require.

(3) Objectionable, including reasons for the objections.

The FAA may establish void dates for certain determinations to permit orderly planning. Determinations are furnished to the proponent, aviation officials of the State concerned, and, when appropriate, local political bodies and other interested persons.

7. Add a new § 157.9 to read:

§ 157.9 Notice of completion.

Within 30 days after completion of an airport or heliport project covered by this Part 157, the construction proponent shall notify the nearest FAA Area Manager's Office or Regional Office by letter or post card of the fact of completion.

This amendment is proposed under the authority of sections 309 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1350 and 1354).

Issued in Washington, D.C., on December 19, 1968.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 68-15570; Filed, Dec. 31, 1968; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 375 [1]]

[Dockets Nos. 28-1, 28-2, 28-3, 28-5, 28-6, 28-7, 28-9; Notice No. 3]

MOTOR VEHICLE SAFETY

Consumer Information; Extension of Time To File Comments

On December 11, 1968, the Federal Highway Administration published a notice of proposed rule making for consumer information regulations. The notice provided that comments be received by the close of business January 8, 1969. The Federal Highway Administration has received numerous requests that the time for filing comments be extended. Generally, the reasons given for requesting the extension are the complexity of the subject material covered and the amount of data and information needed to provide meaningful comments.

After consideration of the requests an extension of time is granted all interested persons for filing comments on four of the dockets. Comments providing additional information are requested on three of these four items. Petitions have been submitted by interested persons and specific problems were presented at the technical meeting held on December 19th that indicated that lack of facilities and data necessary to make meaningful comments within the time originally prescribed was especially acute regarding the applicability of the proposed regulations to multipurpose passenger vehicles, trucks, and buses. Accordingly, the time to file comments for certain other items is extended for comments concerning the effect of the regulations on multipurpose passenger vehicles, trucks, and buses.

In addition, more time is being allowed for filing comments relating to two segments of the vehicle stopping distance section of the proposed regulations.

Therefore, the time to file comments in response to the notice of proposed rule making, consumer information, of December 11, 1968, is extended 60 days to the close of business March 10, 1969, in certain of the dockets, and for comments relating to the effect of the regulations on multipurpose passenger vehicles, trucks, and buses in other dockets.

The dockets in which an extension of time is granted concerning the entire contents of the proposed dockets are:

Docket No. 28-3, § 375.103 [275.103]—Side intrusion protection for occupants of passenger compartments. With regard to this item, since the protection of vehicle occupants in lateral impacts requires both maintenance of passenger compartment integrity and provision for energy absorption between the vehicle occupants and the vehicle exterior, comments are requested concerning the measurement of both of these aspects of vehicle crash and ways in which the resultant vehicle safety performance information can be communicated meaningfully to the public. In addition, since the original proposal is concerned primarily with the rigidity of doors and their resistance to external forces, suggestions are invited concerning alternate titling of the proposed item of consumer information.

Docket No. 28-5, § 375.105 [275.105]—Field of view of the driver.

Docket No. 28-7, § 375.107 [275.107]—Overall steering ratio. In addition, it is requested that the comments filed for this item consider the general issue of vehicle handling characteristics relevant to safety and the ways in which they can be measured and the results meaningfully reported to the public.

Docket No. 28-9, § 375.109 [275.109]—Flammability of materials in vehicle interiors. In addition, it is requested that comments be directed towards modified or alternative means of measuring the flammability of materials in vehicle interiors, and of reporting the results meaningfully to the public.

The dockets in which an extension of time is granted for comments relating to the regulation's effect on multipurpose passenger vehicles, trucks and buses are:

Docket No. 28-1, § 375.101 [275.101]—Vehicle stopping distance.

Docket No. 28-6, § 375.106 [275.106]—Acceleration and passing ability.

Additionally, for Docket No. 28-1, § 375.101 [275.101]—Vehicle stopping distance, the time to file comments relating to vehicle stopping distance for passenger cars on wet pavements, or passenger cars with wet brakes; and for vehicle stopping distance for passenger cars traveling both at 80 miles per hour, or more, and at maximum speed is extended.

Petitions for extension of time to file comments on subject matter not enumerated herein are denied.

Section 375.4(b) [275.4(b)], the applicability section of the proposed rule, provides that the rule is inapplicable to manufacturers of chassis-cabs. Interested persons are advised that it is intended that the regulation be inapplicable to vehicles manufactured in two or more stages where the chassis-cab, chassis-cowl, chassis, or similar assemblages are completed by one manufacturer and delivered to another manufacturer for completion by the addition of a body (such as passenger or cargo-carrying structures) or work-performing or load-drawing structures which result in the vehicle becoming a multipurpose passenger vehicle, truck or bus. Section 375.4(b) [275.4(b)] will be amended to so provide.

This notice of extension of time to file comments is issued under the authority of sections 112(d) and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d), 1407) and the delegation of authority contained in § 1.4(c) of Part I of the regulations of the Office of the Secretary (49 CFR Part 1).

Issued: December 30, 1968.

JOHN R. JAMIESON,
Acting Federal Highway Administrator.

[F.R. Doc. 68-15609; Filed, Dec. 31, 1968; 8:48 a.m.]

[1] The notice of proposed rule making was originally issued under 23 CFR Part 275. Parts of the Code of Federal Regulations relating to motor vehicle safety were transferred to Title 49 by Part II of the FEDERAL REGISTER for Dec. 25, 1968.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of State Protraction Diagram

DECEMBER 24, 1968.

Notice is hereby given that effective February 3, 1969, the following protraction diagrams, approved November 12, 1968, are officially filed and of record in the Sacramento Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 164

HUMBOLDT MERIDIAN, CALIFORNIA

T. 14 N., R. 6 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 12, inclusive;
Secs. 13 to 17, inclusive;
Secs. 20 to 24, inclusive;
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.

CALIFORNIA PROTRACTION DIAGRAM NO. 174

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 46 N., R. 15 E.,
Secs. 9 to 11, inclusive;
Sec. 7, N½,
Sec. 8, N½, SE¼,
Secs. 9 to 11, inclusive;
Secs. 14 and 15;
Sec. 16, N½, SE¼,
Sec. 22, N½, SE¼,
Sec. 23, N½, SW¼.
T. 48 N., R. 16 E.,
Secs. 31 to 36, inclusive.

Copies of these diagrams are for sale at two dollars ($2.00) each by the Survey Records Office, Bureau of Land Management, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

JOHN E. CLUTE,
Chief, Branch of Title and Records.

[F.R. Doc. 68–15555; Filed, Dec. 31, 1968; 8:45 a.m.]

[New Mexico 7333]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 24, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. sec. 334) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (33 F.R. 11123) or at the public hearings at Cuba, New Mexico which was held June 5, 1968, and Abiquiu, N. Mex., which was held June 6, 1968. The record showing the comments received and other information is on file and can be examined in the Albuquerque District Office, Albuquerque, N. Mex. The public lands affected by this classification are located within the following described area and are shown on maps in the Albuquerque District Office, and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 2 E.,
Secs. 1, 3, 4, 5, 6, 10, and 11;
Sec. 12; NW¼, and S½,
Sec. 13;
Sec. 14, NE¼, SW¼NW¼, and S½,
Sec. 15, lots 1, 2, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, and SE¼,
Sec. 22 lots 1, 3, and NE¼NE¼,
Secs. 23 and 24.

T. 27 N., R. 2 E.,
Sec. 19, lots 1, 2, 3, and 4;
Sec. 20, lots 1, 2, 3, and 4;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 22, lots 1 and 2;
Sec. 23, lots 1, 2, 3, and 4;
Sec. 24, lots 4, 5, S½SW¼, and SE¼,
Sec. 25;
Sec. 27, SW¼NW¼,
Sec. 28, NE¼, and N½NW¼,
Secs. 29, 30, and 31;
Sec. 33, E½,
Sec. 34, W½,
Sec. 35, N½.

T. 26 N., R. 3 E.,
Sec. 1, S½,
Sec. 3;
Sec. 4, lots 1, 2, 3, 4, S½N½, and SW¼,
Secs. 5 and 6;
Sec. 7, lots 1, 2, 3, 4, E½W½, and SE¼,
Sec. 8;
Sec. 9, W½,
Sec. 10, E½,
Sec. 11, W½E½, and W½,
Sec. 13, W½NW¼, and SW¼SE¼,
Sec. 14, N½, N½S½, S½SW¼, and SW¼SE¼,
Sec. 15, N½, N½S½, SW¼SW¼, and SW¼SE¼,
Sec. 18, lots 1, 2, E½, and E½NW¼,
Sec. 19, lots 1, 2, NE¼, and E½NW¼,
Sec. 20, E½,
Sec. 23, NE¼NW¼, E½SW¼, and W½SE¼,
Sec. 24, NE¼SE¼,
Sec. 25, W½, and S½SE¼,
Sec. 27;
Sec. 28, NW¼NE¼, S½NE¼, and SE¼.
T. 27 N., R. 3 E.,
Sec. 19, SW¼NE¼, S½NW¼, and S½,
Sec. 20, lot 1, SE¼NE¼, and S½,
Sec. 22, N½NE¼, S½N½, and S½,
Sec. 25, lots 1 to 6, inclusive, E½NE¼, N½NW¼, and N½S½,
Sec. 26, lots 1, 2, 8, E½NE¼, and NE¼SE¼,
Sec. 27;
Seo. 28, lot 4;
Secs. 29, 30, 31, and 33.
T. 25 N., R. 4 E.,
Sec. 11, W½.
T. 26 N., R. 4 E.,
Sec. 15, SW¼,
Sec. 19, SW¼SW¼,
Sec. 21, N½,
Sec. 22;
Sec. 23, S½,
Sec. 25, lots 3, 4, SW¼, and W½SE¼,
Sec. 26, E½, NW¼, and NW¼SW¼,
Sec. 27;
Sec. 28, E½SW¼, and SE¼,
Sec. 30, NE¼NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, and S½SE¼,
Sec. 31, NE¼,
Sec. 35, SE¼SW¼, and W½SE¼.
T. 27 N., R. 4 E.,
Sec. 30, lots 8, 9, 10, E½NW¼, NE¼SW¼, and N½SE¼.

The areas described aggregate 31,841.69 acres in Rio Arriba County

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

R. BUFFINGTON,
Acting State Director

[F.R. Doc. 68–15556; Filed, Dec. 31, 1968; 8:45 a.m.]

[New Mexico 7333–A]

NEW MEXICO

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

DECEMBER 24, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for transfer out of Federal ownership by state grants and indemnity selections (43 U.S.C. 851, 852) exchanges under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) and/or public sales under section 2455 of Revised Statutes (43 U.S.C. 1171)

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 N., R. 3 E.,
Sec. 23, N½SE¼.
T. 26 N., R. 4 E.,
Sec. 10, NW¼ and N½SW¼.
T. 27 N., R. 4 E.,
Sec. 15, NW¼SW¼;
Sec. 19, lot 2, and SE¼NW¼;
Sec. 20, SE¼SW¼;
Sec. 21, SW¼SE¼;
Sec. 28, NW¼NE¼, N½NW¼, and NW¼SW¼;
Sec. 29, NE¼NE¼.
T. 27 N., R. 5 E.,
Sec. 7, S½SE¼;
Sec. 18, NE¼NE¼.

The areas described above aggregate 839.31 acres in Rio Arriba County.

2. Publication of this notice segregates the lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12 (d)).

R. BUFFINGTON,
Acting State Director.

[F.R. Doc. 68-15557; Filed, Dec. 31, 1968; 8:45 a.m.]

Bureau of Reclamation

COLORADO RIVER BASIN PROJECT, CENTRAL ARIZONA

Public Notice of Meeting To Present Central Arizona Project Plans

Notice is hereby given that on January 6, 1969, at 2:30 p.m., m.s.t., in the Maricopa County Board of Supervisors' Auditorium located in the County Building Complex at 2d Avenue and Jefferson Street, Phoenix, Ariz., the Secretary of the Interior will meet with interested persons to discuss issues incident to the orderly accomplishment of the following:

(a) Identification of water user organizations interested in Central Arizona Project water supply;

(b) Contracting for repayment of reimbursable costs of the project;

(c) Intrastate apportionment of Central Arizona Project water; and

(d) Accountability of Colorado River water (surface and underground), available to Arizona and New Mexico pursuant to Colorado River Basin Project Act.

Question and answer period will follow this presentation.

(Act of Sept. 30, 1968, 82 Stat. 885-901, Public Law 90-537)

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 26, 1968.

[F.R. Doc. 68-15580; Filed, Dec. 31, 1968; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

ALLIS-CHALMERS MANUFACTURING CO.

Order Extending Operating Authorization Expiration Date Regarding La Crosse Boiling Water Reactor

By letter dated December 5, 1968, the Allis-Chalmers Manufacturing Co. requested an extension of the expiration date of Provisional Operating Authorization No. DPRA-5. The authorization presently authorizes Allis-Chalmers to use and operate at power levels up to 165 thermal megawatts the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis.

Good cause having been shown for extension of the expiration date pursuant to § 115.45(d) of 10 CFR Part 115 of the Commission's regulations, it is hereby ordered that the date of Provisional Operating Authorization No. DPRA-5 is extended to expire January 3, 1970, or upon earlier issuance of a superseding provisional operating authorization to Dairyland Power Cooperative.

Date of issuance: December 23, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-15551; Filed, Dec. 31, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Lines, Inc., has applied for operating-differential subsidy on a minimum of 20 and a maximum of 28 freight ship sailings per annum on a new service to be operated on Trade Route No. 12 between U.S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West) and ports in the Far East (Japan, Taiwan, Philippine Islands, and the Continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on January 14, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to, (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: December 27, 1968.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 68-15595; Filed, Dec. 31, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20486; Order 68-12-132]

MOHAWK AIRLINES, INC.

Order Providing for Further Proceedings in Accordance With Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of December 1968.

Application of Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity.

On November 19, 1968, Mohawk Airlines, Inc. (Mohawk), filed an application, pursuant to Subpart M of Part 302 of the Board's Procedural Regulations, for amendment of its certificate of public convenience and necessity for Route 94 so as to permit it to provide, without subsidy eligibility, nonstop service between Rochester, N.Y., and Pittsburgh, Pa., points on different segments of Mohawk's certificate.

Upon consideration of the foregoing, we do not find that Mohawk's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.1306-302.1310, with respect to Mohawk's application.

Accordingly, it is ordered, That:

1. The application of Mohawk Airlines, Inc., in Docket 20486, be and it is hereby set for further proceedings pursuant to Rules 1306-1310 of the Board's procedural regulations; and

2. This order shall be served upon all parties served by Mohawk in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-15613; Filed, Dec. 31, 1968; 8:46 a.m.]

[Docket No. 15419; Order 68-12-118]

BLOCKED SPACE AIR FREIGHT TARIFFS

Order Dismissing Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of December 1968.

The investigation of blocked-space tariffs was initiated in Docket 15419 by Order E-21076, dated July 17, 1964. By a series of orders additional blocked-space rates were ordered investigated and the investigations consolidated into the above-noted docket. The last of these tariffs on file with the Board has been canceled and no useful purpose can be served by continuing this proceeding.

Therefore, it is found that the investigation instituted in Docket 15419 is moot and should be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958: *It is ordered,* That:

The investigation instituted in Docket 15419 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-15584; Filed, Dec. 31, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18314, 18315; FCC 68R-533]

GEORGIA RADIO, INC., AND FAULKNER RADIO, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Georgia Radio, Inc., Rockmart, Ga., Docket No. 183114, File No. BPH-5992; Faulkner Radio, Inc., Rockmart, Ga., Docket No. 18315, File No. BPH-6224; for construction permits.

1. This proceeding involves the mutually exclusive applications of Georgia Radio, Inc. (Georgia Radio), and Faulkner Radio, Inc. (Faulkner), for construction permits to establish new Class A FM stations at Rockmart, Ga. By order, FCC 68-905, 14 FCC 2d 591, the Commission designated the applications for hearing on various issues. Presently before the Review Board is a petition to enlarge issues, filed October 2, 1968, by Georgia Radio.[1] The requested issue would inquire whether Faulkner's proposal would violate § 73.211(b) of the rules.

2. Supported by an engineering affidavit, Georgia Radio contends that Faulkner's computation of its antenna height above average terrain is based on terrain profiles obtained from old topographic maps; and that profile studies, based on more recent maps, indicate that Faulkner's proposal would exceed the maximum antenna height of 300 feet above average terrain for a Class A FM station proposing to operate with a maximum effective radiated power of 3 kilowatts, as provided by § 73.211(b) of the rules. It further contends that Faulkner's proposed 1 mv/m contour would encompass 58,969 persons within an area of 685.8 square miles, but, if Faulkner were to comply with § 73.211(b) of the rules, the population encompassed would be 46,585 persons within an area of 644 square miles, and that this would constitute a drop in population of about 21 percent and in area of about 6 percent. The Broadcast Bureau supports the petition.

3. In opposition, Faulkner submits an engineering affidavit and contends that since its engineer used the only available map and an altimeter in comparison to Georgia Radio, which relied on maps not officially released and incomplete, its study is based upon a more reliable data; that although there are differences in the method of averaging large numbers of elevations, Georgia Radio does not establish the inaccuracy of Faulkner's engineering study or that its application does not comply with the Commission's rules; and that, assuming that Georgia Radio's allegations are correct, Faulkner's computations show that area and population affected would not be as large as that urged by the petitioner. Georgia Radio, in reply, alleges that the current maps were available in 1966 before the preparation of Faulkner's engineering statement in February, 1968, and good engineering practice requires that such studies be made on the basis of the most up-to-date maps available; that although Faulkner claims that an altimeter was used in the preparation of its application, no reference was made to an altimeter in the application, and that, in determining coverage, Faulkner is relying on a technique which is not nearly so precise or accurate as that employed by Georgia Radio.

4. Georgia Radio's petition for enlargement of issues will be granted. It appears that the difference in the antenna height above average terrain results from the type of maps used and the methods employed for determining the terrain elevations and computing the average terrain elevations. The Review Board is of the view that the pleading raises a substantial and material question as to whether there would be a violation of § 73.211(b) of the rules, and that the most appropriate means of resolving that question is in an evidentiary hearing before the Hearing Examiner. Therefore, an issue inquiring into this matter will be added to the proceeding.

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed October 2, 1968, by Georgia Radio, Inc., is granted, and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the proposal of Faulkner Radio, Inc., would violate the provisions of § 73.211(b) of the Commission's rules.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be on Faulkner Radio, Inc.

Adopted: December 23, 1968.

Released: December 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-15593; Filed, Dec. 31, 1968; 8:47 a.m.]

[Docket No. 18405; FCC 68-1189]

WLVA, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of WLVA, Inc., Lynchburg, Va., Docket No. 18405, File No. BPCT-3880, for construction permit.

1. The Commission has under consideration: (a) The application (BPCT-3880) and the "Request for Waiver of § 73.610(b)(1) of the Commission's rules", filed November 4, 1966, by WLVA, Inc. (WLVA), licensee of television broadcast station WLVA-TV, Channel 13, Lynchburg, Va.; (b) a "Petition to Deny Application," filed January 3, 1967, by Charlottesville Broadcasting Corp. (WINA), licensee of broadcast stations WINA(AM) and WINA-FM, and permittee of television broadcast station WINA-TV, Channel 29, Charlottesville, Va., directed against "(a)", above; (c) a "Petition to Deny," filed January 4, 1967, by W.C.T.V., Inc. (WVIR), permittee of television broadcast station WVIR, Channel 64, Charlottesville, Va., directed against "(a)", above; (d) a "Petition to Dismiss or Deny," filed January 4, 1967, by Roanoke Telecasting Corp. (WRFT), licensee of television broadcast station WRFT-TV, Channel 27, Roanoke, Va., directed against "(a)", above; (e) an "Opposition to Request for Waiver and Objections to Application," filed January 11, 1967, by the Association of Maximum Service Telecasters, Inc. (AMST), directed against "(a)", above; and (f) related pleadings.[1]

[1] Also before the Review Board are (a) opposition of Faulkner Radio, Inc., filed Oct. 18, 1968; (b) Broadcast Bureau's comments, filed Oct. 23, 1968; and reply of Georgia Radio, Inc., filed Nov. 4, 1968.

[2] Review Board members Slone and Kessler absent.

[1] The related pleadings are: "Further Objections of Association of Maximum Service Telecasters, Inc.", filed Mar. 22, 1967, by AMST; "Supplement to Petition to Dismiss or Deny," filed Mar. 28, 1967, by WRFT; "Opposition to Objections and Petitions to Deny," filed Mar. 29, 1967, by WLVA; "Reply to Opposition of WLVA-TV to Objections and Further Objections of MST," filed May 19, 1967, by AMST; "Reply to 'Opposition to Objections and Petitions to Deny,'" filed May 19, 1967, by WINA; and "Reply of WRFT-TV to Opposition to Objections and Petitions to Dismiss or Deny," filed May 19, 1967, by WRFT.

2. Petitioners WRFT, WINA, and WVIR allege that WLVA will compete for audiences and advertising revenues in their respective communities, which fall within the proposed service contours of station WLVA–TV. We therefore find that the petitioners, as licensees or permittees in Roanoke or Charlottesville, have standing as parties in interest within the meaning of section 309(d) of the Communications Act of 1934, as amended. AMST does not claim standing, but has filed informal objections under § 1.587 of the Commission's rules. We shall consider AMST's objections on the merits.

3. In the communities with which we are concerned here, we note that Lynchburg, with a population of 54,790, has been allocated television broadcast Channels 13, 21, and *33. Channel 13 is occupied by station WLVA–TV, the present applicant, while Channels 21 and *33 are vacant. Roanoke, with a population of 97,110, has been allocated Channels 7, 10, *15, and 27. Channels 7, 10, and 27 are licensed to television broadcast stations WDBJ–TV, WSLS–TV, and WRFT–TV, respectively. Educational station WBRA–TV operates on reserved Channel *15. Charlottesville, with a population of 29,427, has been allocated Channels 29, *41, and 64. Channel *41 is vacant, while construction permits have been issued for Channels 29 and 64 to stations WINA–TV and WVIR–TV, respectively. Lynchburg and Roanoke are about 44.5 miles apart, while Lynchburg and Charlottesville, are approximately 57 miles apart.

4. WLVA presently operates with an effective radiated visual power of 316 kw., with an antenna height above average terrain of 1,100 feet from a site 17.5 miles south of Lynchburg on Johnson Mountain, approximately 34 miles from Roanoke. This site is 8.4 miles short-spaced to the transmitter site of television broadcast station WVEC–TV, operating on cochannel 13, Hampton, Va.[2] WLVA is now proposing an operation with an effective radiated visual power of 240 kw. at 150°, with an antenna height above average terrain of 2,350 feet[3] from a site about 2.8 miles south-southwest of Thaxton, Va., on Flat Top Mountain. This site is approximately 27.9 miles from Lynchburg and 17.4 miles from Roanoke. If WLVA's application is granted, the existing short-spacing to station WVEC–TV will be eliminated, but a 7.1-mile cochannel shortage to the transmitter site of television broadcast station WHTN–TV, Channel 13, Huntington, W. Va., will be created.

5. In support of its application and waiver request, WLVA claims that the substitution of the 7.1 mile short-spacing to station WHTN–TV for the 8.4 mile shortage to station WVEC–TV will result in "significant allocation advantages," by decreasing the short-spacing by 1.3 miles. In regard to the new shortage, WLVA proposes to use a directional antenna that will suppress radiation in the direction of station WHTN–TV so that, in WLVA's view, equivalent protection will be afforded to station WHTN–TV in excess of the standards set forth in Docket No. 13,340, FCC 61–994, 21 R.R. 1695 (1961). WLVA has also agreed to use precise frequency control equipment to lessen the predicted interference with station WHTN–TV. WLVA further states that the terrain between Lynchburg and Hampton is relatively flat, while the terrain between Lynchburg and Huntington is mountainous, with some peaks reaching 3,000 feet. WLVA's position is that the terrain will further lessen the predicted interference between stations WLVA–TV to a point below that which currently exists between stations WLVA–TV and WVEC–TV.

6. WLVA contends that operating from the present site, 70 percent of Lynchburg receives a shadowed signal. Roanoke, while well within the predicted principal-community contour of station WLVA–TV, actually receives a signal that is of Grade A or Grade B quality due to terrain obstructions, according to WLVA's measurements. WLVA states that the proposed site affords a relatively unobstructed line of sight to Lynchburg so that the shadowed areas in Lynchburg will be reduced from 70 percent to 25 percent and there will be an increase of 2 dbu in signal strength over Lynchburg. It is also claimed that the principal-community signal to Roanoke will be significantly improved. WLVA expects that individual receiving antennas in the area will be reoriented so that the Lynchburg and Roanoke VHF stations will all be better received by the area's viewers. WLVA's proposed facilities would utilize the maximum power permitted in Zone II for stations operating at the proposed height. WLVA takes the position that a grant of its application would be in keeping with the Commission's policy to encourage the most efficient utilization of the allocated channel by using maximum facilities, citing South Bend Tribune, FCC 66–753, 8 R.R. 2d 416 (1966). WLVA states that operating with the proposed facilities would not result in the loss of any area presently served by the authorized facilities, and would result in an increase of Grade B coverage to 451,718 persons residing in 6,622 square miles.

7. The American Research Bureau (ARB) and WLVA consider the Lynchburg-Roanoke area to be a single television market. In this market, WLVA claims that the two Roanoke VHF stations, station WDBJ–TV and station WSLS–TV, are operating at the maximum permissible height and power combinations. On the other hand, station WLVA–TV operates at maximum power, but at less than maximum permissible height, at a site from which station WLVA–TV encounters considerable shadowing problems. WLVA alleges that these circumstances place it at a competitive disadvantage. WLVA cites as evidence of this disadvantage an ARB survey of the Roanoke-Lynchburg market that showed station WLVA–TV to have approximately one-half of the net base hourly rate and net weekly circulation of the two Roanoke VHF stations. WLVA states that it has sustained an operating loss of $148,408 during 1966, with a cash flow loss of $17,271. WLVA believes that its proposed operation with increased coverage and improved signal to Roanoke and Lynchburg will place station WLVA–TV on a competitive parity with the two Roanoke VHF stations.

8. Petitioners WINA and WVIR, permittees of UHF television stations in Charlottesville, allege that a grant of WLVA's application would have an adverse impact on the development of UHF television broadcasting in the Charlottesville area. They note that while numerous VHF stations have predicted Grade B contours that approach Charlottesville, only station WSVA–TV, Channel 3, Harrisonburg, Va., actually encompasses Charlottesville with a predicted Grade B contour.[4] Thus, WINA and WVIR allege that a favorable climate exists for the initiation of UHF service in Charlottesville, and that the addition of a second Grade B VHF service, as proposed by WLVA, may change this climate and foreclose the opportunity for a UHF station to develop a viable operation.[5] WINA has also alleged that a grant of WLVA's application would prejudice its attempts to obtain a network affiliation. VHF Drop-In in Staunton-Waynesboro, Virginia, FCC 64–1165, 3 R.R. 2d 1677 (1964) is cited as an example of the Commission's concern for UHF development in the area in question.[6] In that decision, the Commission denied a request to assign VHF Channel 11 to Staunton-Waynesboro due, in part, to the belief that the proposed assignment would be at cross-purposes to the Commission's policy of fostering expanded use of the UHF channels.

[2] Section 73.610 of the Commission's rules provides that the transmitters of cochannel stations in Zone II shall be 170 miles apart. Stations WVEC–TV and WLVA–TV have transmitter sites that are approximately 161.6 miles apart. This short-spacing was created when the Commission waived § 73.610(b) of the rules and granted the application (BPCT–3279) of Peninsula Broadcasting Corp. for a construction permit to make changes in the facilities of station WVEC–TV. Peninsula Broadcasting Corp., FCC 64–763, 3 R.R. 2d 243 (1964).

[3] Under Figure 4, § 73.699 of the rules, the maximum effective radiated power is a function of the antenna height above average terrain, where that height exceeds 2,000 feet. WLVA's proposal utilizes the maximum effective radiated power at the height specified in the application.

[4] Assuming the accuracy of Figure 26 of WLVA's "Opposition," Charlottesville is approached by the predicted Grade B contours of television broadcast station WMAL–TV (48 miles), WTOP–TV (46 miles), WRC–TV (40 miles), and WTTG–TV (36 miles), Washington, D.C., WTVR–TV (covers part of Charlottesville), and WRVA–TV (5 miles), Richmond, Va., WXEX–TV (16 miles), Petersburg, Va., WSLS–TV (24 miles), and WDBJ–TV (24 miles), Roanoke, Va., and WLVA–TV (6 miles), Lynchburg, Va.

[5] Figure 26 of WLVA's "Opposition," also indicates its proposed facilities will extend its Grade B contour approximately 12 miles in a northeasterly direction, encompassing Charlottesville for the first time.

[6] Waynesboro is about 19 miles west of Charlottesville and Staunton is about 31 miles to the west.

9. Petitioner, WRFT has also raised the question of UHF impact, but is primarily concerned with the impact on its own operation of station WRFT–TV, Channel 27, Roanoke. WRFT alleges that although Roanoke is well within the predicted principal-community contour of station WLVA–TV, an ABC affiliate, the actual measured signal is considerably less than that level. For this reason, WRFT has been able to obtain an ABC network affiliation and a network hourly base rate of $75. One of WLVA's grounds for filing the present application is to improve service to Roanoke. WRFT readily concedes that WLVA's proposed operation will have that effect. WRFT's engineering affidavit estimates an increase in station WLVA–TV's signal strength in Roanoke of almost 20 dbu, to 97.8 dbu, would result if WLVA's application is granted. In view of the marked increase of WLVA–TV's signal strength and a possible reduction of shadowing in Roanoke, WRFT alleges that network advertisers would be reluctant to pay for advertising carried on station WRFT–TV since the area would be adequately covered by station WLVA–TV. WRFT claims that this would result in a loss of some or all of WRFT's network revenues and/or programing. This in turn would allegedly be a severe injury to WRFT in its attempt to establish a viable UHF station serving as a local outlet in Roanoke.

10. The petitioners also note that the proposed transmitter site will be substantially closer to Roanoke than to Lynchburg. Thus, they allege that the move proposed by WLVA may constitute a de facto reallocation of Channel 13 from Lynchburg to Roanoke without a rule-making proceeding. They cite Louisiana Television Broadcasting Corp. v. Federal Communications Commission, 347 F 2d 808, 5 R.R. 2d 2025 (U.S.C.A., D.C. Cir. 1965), in support of their position.

11. WRFT states that WLVA's proposal would violate § 73.685(b) of the Commission's rules and that no waiver has been requested. That rule states in part, that the transmitting antenna "should be so chosen that line-of-sight can be obtained from the antenna over the principal community to be served; in no event should there be a major obstruction in this path." WRFT alleges that there is such an obstruction resulting in shadowing over 30 percent of Lynchburg, and concludes that the application should be dismissed on this ground. WRFT and AMST have also alleged that there are sites available that would not contravene the requirements of § 73.685 or § 73.610(b) pertaining to spacing requirements.

12. In regard to the creation of the short-spacing to station WHTN–TV, the petitioners assert that the public interest would not be served by a waiver of the rules. They claim that the trade-off of the 8.4-mile short-spacing to station WVEC–TV for a 7.1-mile short-spacing to station WHTN–TV is de minimis. The 2 dbu increase of signal strength over Lynchburg and a possible receiving antenna reorientation are also accorded little weight. In regard to the competitive advantages to WLVA, the petitioners state that any station can become more competitive by increasing height and/or power, so that this rationale cannot serve as a basis for waiver of the spacing requirements. The petitioners contest the extent to which there will be coverage gains, and state that any gain areas are "trifling." They also claim that such gains as there may be involve areas where UHF stations can be expected to develop. The petitioners allege that WLVA has made no showing as to the unavailability of sites complying with the Commission's spacing requirements or why the antenna height cannot be increased at the present location. AMST, relying on WLVA's statements and engineering affidavits, contends that it is possible to increase the antenna height at the present site by at least 147 feet. And, as previously noted, AMST has submitted possible alternate sites from which it claims that WLVA can improve its service to Lynchburg without increasing the existing short-spacing or creating a new shortage. AMST also notes that equivalent protection, without more, is not a basis for waiver of the Commission's spacing requirements.

13. WRFT alleges that WLVA has not stated what programming needs were found to exist in the communities it surveyed in the gain areas, and that no showing has been made as to how the station will serve those needs, other than by expanded news coverage. Accordingly, WRFT questions whether WLVA's program plans will fulfill the needs and interests of its service area.

14. WLVA's response to these arguments is as follows. As to any alleged UHF impact in the Charlottesville area, WLVA states that WINA and WVIR have not set forth specific factual allegations as to how the extension of the service contours of station WLVA–TV will have any adverse UHF impact. WLVA argues that reliance on VHF Drop-In in Staunton-Waynesboro, above, is unjustifiable, since that decision rested "largely" on considerations relating to the National Radio Quiet Zone. As to the Roanoke area, WLVA notes that the city is within its predicted principal-community contour so that the presence of a UHF station in Roanoke should not serve as a bar to improvements in VHF stations serving that city, citing Coral Television Corporation (WCIX–TV), 6 FCC 2d 749, 9 R.R. 2d 405 (1967). WLVA contends that when the Commission has raised the UHF impact question in hearings, the cases involved the introduction of a new VHF service into an area where there were UHF licensees or permittees. WLVA's service to Roanoke cannot, of course, be considered new. WLVA also states that a grant of its application would have no effect on WRFT's ABC network contract.

15. As to the alleged de facto reallocation of the channel from Lynchburg to Roanoke, WLVA states that it has no desire to change its city of assignment, and that it will continue to meet the needs of Lynchburg. WLVA contends that the case cited by petitioners, Louisiana Television, above, is inapposite, since it involved a change of sites of an unconstructed station. In regard to WRFT's claim that operation from the proposed site would violate § 73.685(b) of the rules, WLVA alleges that due to terrain considerations shadowing cannot be avoided in this area; that shadowing exists in 70 percent of Lynchburg from the present site, so that the 25 percent shadowed area from the proposed site would be a marked improvement; and that the rule specifically states that population and demography "may make the choice of transmitter location difficult."

16. Concerning the proposed short-spaced site, WLVA states that it cannot increase antenna height at the present location and that the hypothetical sites proposed by AMST would not be approved by the FAA, and are inadequate solutions to station WLVA–TV's coverage problems, especially in Roanoke. WLVA notes that the Commission created the existing short-spacing to station WVEC–TV without a hearing to correct a competitive imbalance in station WVEC–TV's market. Peninsula Broadcasting Corp., FCC 64–763, 3 R.R. 2d 243 (1964). WLVA seeks the same treatment here. It is further noted that the present application proposes the substitution of one short-spaced site for another where the chances of actual interference are greatly reduced. In view of the alleged improved coverage, the lack of other adequate sites and the improvement of its competitive position in relation to the two Roanoke VHF stations, WLVA concludes that a waiver of the spacing requirements would serve the public interest.

17. In regard to WRFT's allegations that WLVA will not serve the needs and interests of its service area, WLVA notes that the gain areas are contiguous to its present service area and few changes are deemed necessary. Nonetheless WLVA made programing contacts and will broaden its coverage of news and special events, and will supplement its programing directed towards its rural audience.

18. WLVA is correct in stating that we have a general policy of encouraging the use of maximum facilities to make the most efficient utilization of radio frequencies, and another policy of encouraging competitive facilities among stations in a community, where possible. However, these policies are not absolutes to be followed without reference to other public interest considerations. In this case, there is an apparent conflict as to which policy, or policies, should prevail. We believe that the choice between them, based on the allegations before us, must rest on the full record afforded by a hearing. One policy that must be considered in this proceeding is that of encouraging the development of UHF broadcasting. In the Charlottesville area, a second VHF signal may well discourage the construction of UHF facilities. Even WLVA points out that the principal situation where the UHF impact question is raised involves the introduction of a new VHF service to an area with existing or potential UHF service. The situation in Roanoke is not

typical, since that city is already within the predicted principal-community contour of station WLVA–TV. We do not, however, limit our concern for the development of UHF broadcasting to the typical situation. Here, WRFT has alleged that the measured signal of station WLVA–TV is considerably less than the predicted signal due to terrain obstructions; that WRFT has been able to obtain ABC programming and revenues only because station WLVA–TV does not provide an adequate signal to all parts of Roanoke; and that a grant of WLVA's application would improve its signal strength in Roanoke by almost 20 dbu, and thereby jeopardize WRFT's operation. In the case cited by WLVA, Coral Television, above, we did say that UHF stations that are opposing proposed changes in VHF stations in the same community[7] must make specific allegations to show that such changes would not be in the public interest. We do not now change that requirement. However, we believe that WRFT's allegations are sufficiently specific to raise a UHF impact question in regard to the Roanoke area. Accordingly, an appropriate issue will be specified. The burden of proceeding with the introduction of evidence and the burden of proof with respect to the UHF impact issue will be placed on the petitioners and AMST.

19. The petitioners have alleged that WLVA's proposed move may constitute a de facto reallocation of Channel 13, from Lynchburg to Roanoke. It appears that the proposed transmitter site will be only 17.4 miles from Roanoke and 27.9 miles from Lynchburg (center of city). We believe that a sufficient showing has been made to require a determination of the de facto reallocation question at a hearing, and an appropriate issue has been specified.

20. Turning to the alleged violation of § 73.685(b) of the rules, the petitioners appear to have erroneously assumed that the presence of shadowing establishes, prima facie, that a "major obstruction" exists. A careful consideration of the extensive data submitted in conjunction with the application and the pleadings discloses that there will be line-of-sight from the transmitter to a majority of the area within the city limits of Lynchburg. We cannot conclude, therefore, that a "major obstruction" exists, as we use that phrase. Consequently, no issue will be specified in this regard.

21. WLVA has not submitted any suggestions received in its consultations with community leaders in the gain areas that will be served by WLVA if its application is granted, Consequently, WLVA has not complied with the Suburban doctrine and the criteria set forth in the Commission's public notice of August 22, 1968, concerning the ascertainment of the needs and interests of the gain area. The fact that the gain area is contiguous to the present service area is not determinative. Accordingly, a Suburban issue has been specified.

22. We believe that sufficient allegations have been raised so as to require an issue on the question of whether a waiver of our spacing requirements, as set forth in § 73.610(b) of the rules, would serve the public interest. This determination is, of course, related to the findings under the other issues. It should be noted that when an applicant proposes a short-spaced site our consideration is usually limited to the specific site proposed; we do not ordinarily consider the availability of hypothetical alternate sites that comply with the rules. However, in this case, AMST has submitted more than a bare allegation that suitable alternate sites are available. AMST has suggested sites that, allegedly, would enable station WLVA–TV to place a principal-community contour over all of Lynchburg; that are not short-spaced to station WHTN–TV and do not increase the existing short-spacing to station WVEC–TV; that are accessible; where land is available; that would either lessen or cause no increase in the existing shadowing; that have a reasonable probability of obtaining FAA approval; and that would avoid or minimize any receiving antenna orientation problems in Lynchburg and Roanoke. WLVA has controverted these allegations, but under the circumstances, we believe that an issue as to the availability of alternate sites is warranted. In view of AMST's allegations that an increase in height of 147 feet can be accomplished at the present antenna location, based on WLVA's data, we have also included an issue as to the extent, if any, that tower height can be increased at the present site. The burden of proceeding with the introduction of evidence and the burden of proof in regard to alternate sites and increasing antenna height at the present location will be placed on the petitioners and AMST.

23. Although not raised by the petitioners, we question the financial qualifications of the applicant. Cash in the amount of $846,955 will be needed to construct the proposed facilities. To meet the cash requirements, WLVA claims the availability of a loan of $850,000 from its parent corporation, The Evening Star Broadcasting Co. The balance sheet submitted by the parent does not disclose sufficient current and liquid assets, as defined by section III, paragraph 4(d), FCC Form 301, to enable it to meet this commitment. Accordingly, a financial issue has been specified.

24. Except as indicated below, the applicant is legally, technically, financially, and otherwise qualified to construct as proposed.

25. *Accordingly, it is ordered,* That to the extent indicated above, the petitions filed by Charlottesville Broadcasting Corp., W.C.T.V. Inc. and Roanoke Telecasting Corp., are granted, in all other respects are denied, and the application (BPCT–3880) of WLVA, Inc., is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

(1) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

(2) To determine whether a grant of the application would constitute a de facto reallocation of Channel 13 from Lynchburg to Roanoke.

(3) To determine whether circumstances exist which would warrant a waiver of § 73.610(b) of the Commission's rules, and, if so, to determine the necessary conditions to be met in order to assure that "equivalent protection" will be provided to station WHTN–TV, Huntington, W. Va.

(4) To determine whether there is an area within which the applicant could locate its transmitter in conformity with all the requirements of the Commission's rules and provide service to the public equivalent to that proposed in the application.

(5) To determine whether the applicant can obtain an increase in tower height as its present transmitter location and, if so, the extent of such increase and whether service could be provided to the public from that height equivalent to that proposed in the application.

(6) To determine whether the Evening Star Broadcasting Co. has available sufficient current and liquid assets in excess of current liabilities, or has other sources of funds, to enable it to meet its commitment to WLVA, Inc.

(7) To determine, in light of the evidence adduced under the preceding issue, whether WLVA, Inc., is financially qualified.

(8) To determine the efforts made by WLVA, Inc., to ascertain the community needs and interest of the gain areas to be served and the means by which the applicant proposes to meet those needs and interest.

(9) To determine, in light of the evidence adduced under the above issues, whether a grant of the application would serve the public interest, convenience, and necessity.

26. *It is further ordered,* That Charlottesville Broadcasting Corp., W.C.T.V. Inc., Roanoke Telecasting Corp, and The Association of Maximum Service Telecasters Inc., are made parties respondent to this proceeding.

27. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues 1, 4, and 5 is placed upon the parties respondent, and the burden of proceeding with the introduction of evidence and the burden of proof with respect to the remaining issues remain upon the applicant.

28. *It is further ordered,* That to avail themselves of the opportunity to be heard, WLVA, Inc., and the parties respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the

[7] In Coral Television, the applicant was proposing, among other things, a change of city of license from South Miami to Miami, the city limits of which are less than 4 miles apart. Here, WLVA appears to apply the phrase "same community" to cities that are 44.5 miles apart. We do not stretch that phrase so far.

Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

29. *It is further ordered,* That, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, WLVA, Inc., shall give notice of the hearing within the time and in the manner prescribed in that rule, and shall advise the Commission of the publication of the notice as required by § 1.594(g) of the rules.

Adopted: December 12, 1968.

Released: December 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-15594; Filed, Dec. 31, 1968; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 27, 1968.

On December 24, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Malaysia that it was renewing for an additional 12-month period beginning December 27, 1968, and extending through December 26, 1969, the restraints on imports to the United States of cotton textiles and cotton textile products in Categories 19, 26 (duck only), part of 31, 34, and 60, produced or manufactured in Malaysia. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the levels of restraint for this 12-month period are 5 percent greater than the levels of restraint applicable to these categories for the preceding 12-month period.

There is published below a letter of December 24, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles and cotton textile products in Categories 19, 26 (duck only), part of 31, 34, and 60, produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning December 27, 1968, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DECEMBER 24, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 27, 1968, and for the 12-month period extending through December 26, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 19, 26 (duck only[1]), part of 31, 34, and 60, produced or manufactured in Malaysia, in excess of the following designated levels of restraint:

Category	12-month level of restraint
19 ---------- square yards	2,469,075
26 (duck only[1]) ---------- do	1,653,750
31 (T.S.U.S.A. No. 366.2740 only) ---------- pieces	3,472,875
34 ---------- do	293,265
60 ---------- dozen	25,799

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26 (duck only[1]), part of 31, 34, and 60, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to December 27, 1968, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period December 27, 1967 through December 26, 1968. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments there to on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determinded by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-15574; Filed, Dec. 31, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 27, 1968.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. Under this agreement the Government of Malta has undertaken to limit its exports to the United States of Cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 43, 51, and 60, for the third agreement year beginning January 1, 1969.

Accordingly, there is published below a letter of December 24, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1969, and extending through December 31, 1969, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DECEMBER 24, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, between the Governments of

[8] Commissioner Robert E. Lee absent.

[1] T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

the United States and Malta, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1969, and for the 12-month period extending through December 31, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following designated levels of restraint:

Category		12-month level of restraint
43	dozen	70,119
51	do	24,806
60	do	42,446

In carrying out this directive entries of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been exported to the United States from Malta prior to January 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1968, through December 31, 1968. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit for apparel, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textiles and cotton textile products from Malta have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–15575; Filed, Dec. 31, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 27, 1968.

On March 23, 1967, the Governments of the United States and Portugal, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new bilateral agreement concerning exports of cotton textiles and cotton textile products from Portugal to the United States. On September 29, 1967, the two Governments concluded an agreement amending the bilateral agreement of March 23, 1967.

Under the agreement, as amended, the Government of Portugal has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement, as amended, are those applying specific export limitations to Categories 1–2–3–4, 5–6, 9, 22, 23, 24–25, 26, 41–42–43, 46, 50, 51, 52, 53, 55, 60, and parts of 62 for the 12-month period beginning January 1, 1969.

There is published below a letter of December 24, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above Categories, produced or manufactured in Portugal, which may be entered or withdrawn from warehouse for consumption, for the 12-month period beginning January 1, 1969, and extending through December 31, 1969, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington D.C. 20226.

DECEMBER 24, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 23, 1967, as amended, between the United States and Portugal, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective January 1, 1969, and for the 12-month period extending through December 31, 1969, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–2–3–4, 5–6, 9, 22, 24–25, 26, 41–42–43, 46, 50, 51, 52, 53, 55, 60, and parts of 62, produced or manufactured in Portugal, in excess of the following designated levels of restraint:

Category		12-month level of restraint
1–2–3–4	pounds	16,201,957
5–6	square yards [1]	9,389,993
9	do	11,025,000
22	do	1,653,750
24–25	do.[2]	6,063,750
26	do.[2]	2,646,000
41–42–43	dozen	99,225
46	do	44,100
50	do	25,358
51	do	25,358
52	do	37,485
53 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, and 382.0640)	dozen	37,485
55	do	25,358
60	do	18,743
Parts of 62 (T.S.U.S.A. Nos. 380.0024, 380.0645, 382.0024 and 382.0665)	pounds	61,299

[1] Of this combined level, not more than 5,258,925 square yards may be in Category 6.

[2] Of this combined level, not more than 2,205,000 square yards may be in Category 25.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1–2–3–4, 5–6, 9, 22, 24–25, 26, 41–42–43, 46, 50, 51, 52, 53, 55, 60, and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, 382.0640, 380.0024, 380.0645, 382.0024, and 382.0665), produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1968, through December 31, 1968. In the event that the levels of restraint for such goods have been exhausted by previous entries, such goods shall be subject to the directive set forth in this letter.

In carrying out this directive, entries of two- or three-piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore,

the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–15576; Filed, Dec. 31, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 27, 1968.

On September 21, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Republic of the Philippines concerning exports of cotton textiles from the Republic of the Philippines to the United States. On December 26, 1967, the two Governments exchanged notes amending the bilateral agreement of September 21, 1967.

Under the agreement, as amended, the Republic of the Philippines has undertaken to limit its exports to the United States of certain cotton textiles and coton textile products to specified annual amounts. Among the provisions of the agreement, as amended, are those applying specific export limitations to Categories 9, 22, 26 (including a sublimit on duck fabrics), 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61 for the second agreement year beginning January 1, 1969.

There is published below a letter of December 24, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines which may be entered, or withdrawn from warehouse, for consumption in the United States for the 12-month period beginning on January 1, 1969, and extending through December 31, 1969, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 24, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 21, 1967, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1969, and for the 12-month period extending through December 31, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines, in excess of the following levels of restraint:

Category	12-month level of restraint
9	1,313,500 square yards.
22	1,575,000 square yards.
26	1,312,500 square yards (of which not more than 315,000 square yards may be in duck [1]).
32	3,150,000 dozen.
39	288,750 dozen pairs.
42	31,500 dozen.
43	63,000 dozen.
45	31,500 dozen.
46	10,500 dozen.
50	10,500 dozen.
51	10,500 dozen.
60	8,925 dozen.
61	1,627,500 dozen.

[1] Only T.S.U.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08.
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

Entries of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines and which have been exported to the United States from the Republic of the Philippines prior to January 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1968, through December 31, 1968. In the event that the level of restraint established for the period January 1, 1968, through December 31, 1968, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 21, 1967, between the Governments of the United States and the Republic of the Philippines which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent, for the limited carryover of shortfalls in certain categories to the next agreement year, and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Republic of the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, beings necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–15577; Filed, Dec. 31, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN TRINIDAD AND TOBAGO

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 27, 1968.

On December 20, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Trinidad and Tobago that it was renewing for an additional 12-month period beginning December 29, 1968, and extending through December 28, 1969, the restraint on imports into the United States of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of December 24, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning December 29, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 24, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 29, 1968, and for the 12-month period extending through December 28, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 61 produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 61,293 dozen.

In carrying out this directive, entries of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago, which have been exported to the United States from Trinidad and Tobago prior to December 29, 1968, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period December 29, 1967, through December 28, 1968. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 61 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–15578; Filed, Dec. 31, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 27, 1968.

On September 26, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of the Socialist Federal Republic of Yugoslavia, concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States. Under this agreement the Government of the Socialist Republic of Yugoslavia has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 19,687,500 square yards equivalent for the second agreement year beginning January 1, 1969. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 28–29, 31, 34–35, 45–46–50–51, 48, and 49.

Accordingly, there is published below a letter of December 24, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the period beginning January 1, 1969, and extending through December 31, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 28–29, 31, 34–35, 48, and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States on or after January 1, 1969, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 24, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 26, 1967, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1969, and for the 12-month period extending through December 31, 1969, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck only[1]), 26 (other than duck), 28–29, 31, 34–35, 48, and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of the following levels of restraint:

Category		12-Month level of restraint
9	square yards	7,350,000
18–19	do	1,050,000
22	do	1,680,000
26 (duck[1])	do	2,100,000
26 (other than duck)	do	1,575,000
28–29	pieces	532,749
31	do	497,858
34–35	do	338,709
48	dozen	3,587
49	do	16,153

[1] T.S.U.S.A. Nos.:
320.__01 through 04, 06, 08
321.__01 through 04, 06, 08
322.__01 through 04, 06, 08
326.__01 through 04, 06, 08
327.__01 through 04, 06, 08
328.__01 through 04, 06, 08

Entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, and exported to the United States prior to January 1, 1969, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period January 1, 1968, through December 31, 1968. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 23, 1967, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–15579; Filed, Dec. 31, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

DECEMBER 24, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 26, 1968, through January 4, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-15558; Filed, Dec. 31, 1968; 8:45 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

DECEMBER 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., n.k.a. Memory Magnetics International, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 27, 1968, through January 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-15559; Filed, Dec. 31, 1968; 8:45 a.m.]

[70-4703]

KINGSPORT POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 26, 1968.

Notice is hereby given that Kingsport Power Co. ("Kingsport"), 40 Franklin Road, Roanoke, Va. 24011, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Kingsport has established lines of credit with two commercial banks and proposes to borrow, from time to time, prior to December 31, 1969, not to exceed $2,500,000 outstanding at any one time, to be evidenced by its unsecured notes. Kingsport requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y. and Morgan Guaranty Trust Co. of New York, N.Y. in the principal amounts of $1,750,000 and $750,000, respectively; will mature not later than 270 days after the date of issue or renewal; and will bear interest from the date thereof at the then current prime credit rate (presently 6¾ percent per annum). The notes may be prepaid at any time, in whole or in part, without premium.

Kingsport will use the proceeds from the sale of the notes to reimburse its treasury for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1969 to cost approximately $1,600,000, and for other corporate purposes.

It is represented that fees and expenses to be incurred in connection with the proposed transactions will not exceed $500 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-15560; Filed, Dec. 31, 1968; 8:45 a.m.]

MOONEY AIRCRAFT, INC.

Order Suspending Trading

DECEMBER 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mooney Aircraft, Inc. (a Kansas corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 27, 1968, through January 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-15561; Filed, Dec. 31, 1968; 8:45 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

DECEMBER 24, 1968.

The common stock, 1 cent par value, of Mountain States Development Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 26, 1968, through January 4, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-15562; Filed, Dec. 31, 1968; 8:45 a.m.]

[File No. 24NY-6572]

ORIGINAL ELECTRIC HEATER CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 26, 1968.

I. Original Electric Heater Corp. ("Original"), 23 West Mall, Plainview, N.Y., incorporated in Delaware on February 27, 1968, filed a notification and offering circular on August 29, 1968, covering a proposed offering of 100,000 shares of its common stock (5 cents par value) at $3 per share for an aggregate offering price of $300,000, for an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) and Regulation A promulgated thereunder. G. I. Scott & Co., Inc., was named as the underwriter on an all-or-none best efforts basis. Continental Diversified Industries, Inc., is one of the promoters of Original. The offering circular states that the company intends to develop and sell electronic water heaters and to engage in research and development of electronic and electrical devices.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose in the notification and offering circular that Alfred Dallago, a promoter and principal security holder, was indicted on March 21, 1966, and convicted on May 9, 1967, for filing a false and misleading amendment to a registration statement with the Commission relating to a public offering of securities of Lancer Industries and for filing a false and misleading annual report pursuant to the Securities Exchange Act of 1934.

2. The Regulation A exemption is not available for the issuer under the provisions of Rule 252(d)(1) in that Alfred Dallago, the principal stockholder and a promoter of Original, was indicted and subsequently convicted of a crime involving the purchase or sale of a security.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The offering circular is materially false and misleading in failing to disclose the degree of control exercised and to be exercised by Alfred Dallago over the affairs of Original; his degree of participation in the formation of Original; and his interests in Original's business activities.

2. The offering circular fails to disclose the background of Alfred Dallago, one of Original's promoters and its controlling stockholder.

C. The offering, if made, would be in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-15563; Filed, Dec. 31, 1968; 8:45 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

DECEMBER 24, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 25, 1968, through January 3, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-15564; Filed, Dec. 31, 1968; 8:45 a.m.]

[70-4704]

WHEELING ELECTRIC CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 26, 1968.

Notice is hereby given that Wheeling Electric Co. ("Wheeling"), 51 16th Street, Wheeling, W. Va. 26003, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Wheeling has established lines of credit with five commercial banks and proposes to borrow, from time to time prior to December 31, 1969, not to exceed $4 million outstanding at any one time, to be evidenced by its unsecured notes. Wheeling requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to the following banks in the indicated principal amounts:

First National City Bank, New York, N.Y.	$560,000
Manufacturers Hanover Trust Co., New York, N.Y.	560,000
Morgan Guaranty Trust Co. of New York, N.Y.	560,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	1,760,000
Bankers Trust Co., New York, N.Y.	560,000
Total	4,000,000

The notes will mature not later than 270 days after the date of issue or renewal and will bear interest at an annual rate equal to the prime credit rate (presently 6¾ percent per annum). The notes may be prepaid at any time, in whole or in part, without premium.

Wheeling will use the proceeds from the sale of the notes to reimburse its treasury for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1969 to cost approximately $1,900,000, and for other corporate purposes.

It is represented that fees and expenses to be incurred in connection with the

proposed transactions will not exceed $500 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-15565; Filed, Dec. 31, 1968; 8:45 a.m.]